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Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Combined second to fourth periodic reports of States parties due in 2011

Iraq*

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Consideration of reports submitted by States parties under article 44 of the Convention

Iraq

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I. Introduction

1. The Republic of Iraq affirms its commitment to international mechanisms for the protection of human rights and expresses once again its firm belief in the unity and integrated nature of these rights. National mechanisms for the protection of human rights have been fully integrated with international mechanisms to provide a suitable environment for the exercise of rights with respect for human dignity and advancement. Having adopted standards of human rights, Iraq has made these part of government policy, affirmed by the principles of our national Constitution. In this context, we would like to state that the Republic of Iraq is a party to nine basic human rights conventions and is on course to accession to the others. Furthermore, Iraq perseveres in its endeavour to build and support governmental and non-governmental human rights institutions in the country. In this context, we would point out that our country is conducting a comprehensive and ongoing review of its international human rights commitments in order to reinforce these and translate them into the policy of the national Government. The need to expedite submission of our overdue reports to committees has been underlined. These reports have been delayed for a variety of reasons, some of which relate to the political situation in the country and others to the economic, social and cultural changes that took place due to the adoption of particular policies that led the country into numerous wars. There are, too, challenges resulting from the wave of violence that swept Iraq, by means of which terrorist groups sought to create additional challenges for the direction of the country.

2. The Republic of Iraq is pleased to submit its fourth report to the Committee on the Rights of the Child, in accordance with article 44, paragraph 1 (a) and (b), of the Convention, and including the second and third reports.

3. Pursuant to United Nations Secretariat general guidelines regarding the form and content of the periodic reports, adopted by the Committee at its fifty-fifth session (13 September-1 October 2010) on the basis of document CRC/C/58/Rev.2, Iraq has, in this report, repeated some of the content of its above-mentioned first report because of the historical dimension and the essential changes which have to some extent taken place within the legislative framework.

4. This report contains the response to the observations on Iraq's report made by the Committee in document CRC/C/15/Add.94, based on discussion of progress made in applying the Convention.

The process of preparing the report

5. This report has been prepared in accordance with a participatory methodology by a group of bodies representing various Government sectors, including the ministries of foreign affairs, human rights, interior, finance, planning, education, health, culture, labour and social affairs, youth and sport, justice, and displacement and migration, in addition to the General Secretariat of the Council of Ministers. The initial draft of the report was posted on the Ministry of Human Rights website for over a month (a fact publicized by three of the country's major newspapers) to elicit comments of civil society organizations, academics and interested parties. Furthermore, an expanded consultation meeting was held with civil society organizations to discuss the content of the report with the aim of involving non-governmental bodies in its preparation. At the same time, the Ministry of Human Rights, through its subsidiary body, the National Centre for Human Rights (NCHR), has been keen to set up a

number of workshops and courses for Government and civil society organization employees to educate about and raise awareness of the Convention. Furthermore, the Convention is an essential part of the basic education programme of NCHR courses run for the staff of ministries, civil society organizations and independent bodies. In collaboration with UNICEF and the Australian Government, the Ministry of Human Rights has facilitated the training of several committee personnel in how to prepare periodic reports.

6. Within the context of report preparation, the Child Welfare Commission (CWC), which is responsible for drawing up Iraq's comprehensive, national child protection policy has, in coordination with UNICEF, prepared a report on the situation of child protection in Iraq following adoption of the observations and recommendations of the advisory body consisting of university professors and experts in childhood from the Ministry of Labour and Social Affairs and civil society organizations, in preparation for the drafting of a child protection policy in Iraq.

7. As regards the factors and difficulties impeding implementation of the Convention, to which the Committee drew attention in the concluding observations in document CRC/C/15/Add.94, we agree with the Committee's observation on decision 1998/114 of the Subcommission on Prevention of Discrimination and Protection of Minorities, following General Comment No. 8 adopted by the Committee on Economic, Social and Cultural Rights (1997), to the effect that the embargo imposed by the Security Council has adversely affected the economy and many aspects of daily life, thereby impeding the full enjoyment by the State party's population, particularly children, of their rights to survival, health and education. The embargo continued until 2003, when Security Council resolution 1483 (2003) was adopted. One of the effects of the embargo was that the country's infrastructure was ruined and unable to adapt to circumstances. Additionally, terrorist groups contributed to the destruction of the infrastructure by making it the target of terror operations.

Follow-up of recommendations

8. As regards the subjects of concern and recommendations made by the Committee in section D of the above-mentioned document CRC/C/15/Add.94, we would like to state the following.

9. Regarding the Committee's concern, expressed in paragraph 6 of the concluding observations, regarding the Republic of Iraq's reservation to article 14, paragraph 1, of the Convention, we would like to affirm our reservation to the said article on the grounds of its incompatibility with the principles of the Islamic religion.

10. Regarding paragraph 7 of the concluding observations, relating to the full reflection of the provisions and principles of the Convention, we would like to inform the Committee of the existence of draft laws pertaining to the child, namely, the Child Protection Act, the Children's Parliament Act, the Child Welfare Commission Act, the Youth Parliament and the draft amended Minors' Welfare Act No. 78 (1980). We shall consider and review the provisions and principles of the Convention in the context of the report.

11. Regarding the Committee's concern, expressed in paragraph 8 of the concluding observations, about the need to strengthen law enforcement in all areas covered by the Convention, we would like to note that a child protection policy in Iraq is currently

being drawn up by the Child Welfare Commission (CWC) in the Ministry of Labour and Social Affairs, in collaboration with the consultation office of the Danish Ministry of Foreign Affairs. This policy will strengthen law enforcement in the areas covered by the Convention. A contract has recently been entered into with an international expert, by agreement with UNICEF, to draft and review this policy with the advisory committee of the Ministry of Labour and Social Affairs.

12. Regarding the recommendation in paragraph 9 of the concluding observations, concerning the limited powers of CWC, we would like to note that a new draft law has been drawn up, giving greater powers to CWC.

13. Regarding the Committee's justified concern at the inadequate coordination between different bodies working with and for children, as stated in paragraph 10 of the concluding observations, we would like to submit that this fact was identified early on and has made CWC determined to complete the child protection policy paper which, it is hoped, will enable greater coordination between bodies and will regulate precisely, in a prescriptive and practical manner, the powers and spheres of operation of each. This will have a substantial and positive impact upon the effective implementation of Iraq's national and international commitments in the area of protecting and strengthening the rights of the child.

14. Regarding the Committee's concern and its request for the creation of a complaints mechanism for children, as explained in paragraph 11 of the concluding observations, we would like to note that the Ministry of Interior has established a family protection police force with special competence in criminal cases to resolve problems arising within the family and train psychological workers. Training courses have been conducted for this purpose. Two child hotlines have been set up. Furthermore, the Independent Commission for Human Rights (ICHR) is keen for there to be a commissioner for children, having the function of a special children's ombudsman, whose duties will include looking into reports submitted by children. This will come about following adoption of the ICHR rules of procedure. The establishment of a family protection police force in the Ministry of Interior is an extension of the formal mechanisms created, which will be applied under the draft law to protect against domestic violence, currently before the Consultative Council for scrutiny.

15. Regarding the Committee's concern, expressed in paragraph 12 of the concluding observations, that no adequate measures have been taken for the development of indicators and the systematic collection of disaggregated quantitative and qualitative data on the areas covered by the Convention, we would like to note that, in 2004, the organizational and technical structure of the ministry which is now the Ministry of Planning was reviewed in order to bring it into line with the nature of the actual concerns and activities of the ministry. Following the creation of a general department of information technology, the Central Organization for Statistics and Information Technology (COSIT) became responsible for statistical operations relating to the general population census, sample census and all agricultural, industrial, economic, social, financial, monetary, cultural etc. statistics. COSIT publishes a regular annual report on indicators relating to aspects of life in the country, including statistics on human rights. It has also opened a website – the Iraq Information Portal and has published reports on human development in Iraq. In addition, there is a special section concerned with statistics in the Ministry of Human Rights, which has a large database that includes areas covered by the Convention.

16. Regarding the Committee's concern, expressed in paragraph 13 of the concluding observations on the previous report, regarding allocation of budgetary resources in favour of children, the issue is addressed in paragraph 69 of this report.

17. Regarding the Committee's request in paragraph 14 of the concluding observations for greater attention to be accorded to spreading awareness of the articles of the Convention and teaching and raising awareness of the rights of children, especially among children themselves, we would like to note that one of the main goals of the Ministry of Human Rights is to teach, raise awareness of and disseminate human rights as widely as possible. Training programmes targeting various groups of society, including children, incorporate a special section on the Convention on the Rights of the Child. The statistical schedule below shows the number of courses and workshops held in previous years:

Schedule of courses and workshops on the rights of the child*

Year	*Courses*	*Workshops*	*Type*	*Participants*	*Males*	*Females*
2005	6		Basic	87	50	37
2006	17		Basic	190	100	90
2007	42		Basic	725	500	225
2008	24		Basic	625	305	320
2009	60		Basic	979	500	479
2010	32		Basic	725	449	276
		1	Friends of human rights	18	10	8
		1	The child and the right to education	24	11	13
		1	Kindergartens	15	8	7
2011	10		Basic	280	176	104
		1	Orphans of war	86	40	46
13	9	22	The right to education of those with special needs	1		

Total courses: 191;
Total workshops: 5;
Total participants: 3,776;
Total males: 2,158;
Total females: 1,618.

* Last row of table seems to be garbled – *Translator*.

18. Regarding the Committee's concern, expressed in paragraph 15 of the concluding observations of the previous report, relating to raising the minimum age of voluntary enlistment into the armed forces, article 3, clause 2 of the Military Service and Retirement Act No. 3 (2010) stipulates that the age of a volunteer shall not be less than 18 or more than 25 years for technical categories or more than 30 years for other categories.

19. The Committee's concern expressed in paragraph 16 of the concluding observations has been answered in Section III (General principles).

20. Regarding the Committee's concern, expressed in paragraph 17 of the concluding observations, that existing welfare policies and prevailing practices do not adequately reflect a rights-based approach, we note that there are draft laws pending enactment in

this area, such as the draft Iraqi Children's Act, the Children's Parliament Act, the Child Welfare Commission Act and the Orphans' Welfare Fund Act.

21. Regarding the Committee's concern, expressed in paragraph 18 of the concluding observations, about the participatory rights of children, encouraging children to take an active role in promoting the Convention, and the role of non-governmental organizations, article 38 of the Iraqi Constitution stipulates that, as long as public order and public morality are not violated, the State guarantees the freedom to express opinion by any means. Additionally, Act No. 12 (2010), regulating the modus operandi of non-governmental organizations, strengthening their role in society, supporting them, maintaining their independence and enhancing the freedom of citizens to found and join such organizations, has been enacted. Article 11, on membership of non-governmental organizations, gives the right to join such organizations to those below the age of 18 but without the right to vote on resolutions. NCHR, which is attached to the Ministry of Human Rights, has a prominent role in education and raising awareness, as do the Ministry of Labour and Social Affairs and CWC.

22. Regarding the Committee's concern, expressed in paragraph 19 of the concluding observations, about nationality, article 18 of the Iraqi Constitution addresses the subject of the acquisition of nationality. It stipulates:

- *First: Iraqi nationality is a right for all Iraqis and is the basis of their citizenship;*
- *Second: an Iraqi is anyone born to an Iraqi father or Iraqi mother and this shall be regulated by law.*

23. Pursuant to the foregoing, the Iraqi Nationality Act No. 26 (2006) was promulgated, article 3 of which stipulates that a person shall be considered Iraqi, if (a) he is born to an Iraqi father or an Iraqi mother; or (b) he is born in Iraq to unknown parents. A foundling in Iraq shall, in the absence of proof to the contrary, be considered to have been born in Iraq.

24. Regarding the Committee's concern, expressed in paragraph 20 of the concluding observations, about torture and corporal punishment, we would like to clarify that article 29 (fourth) of the Iraqi Constitution forbids violence, stipulating that all forms of violence and arbitrary behaviour in the family, school and society are prohibited. Furthermore, pursuant to Act No. 30 (2008), Iraq has acceded to the Convention against Torture. A special police directorate to protect the family and children from domestic violence has been created in each governorate. In Baghdad there are two such directorates, one in Karkh and another in Rusafa. These report to the director general of police in the governorate and are concerned with protecting the family and children from domestic violence and problems within the family and from external violence with a domestic character inflicted by first and second degree relatives. It conducts initial investigations under the auspices of a competent judge and seeks to protect the family, children and the elderly by resolving domestic problems, while referring difficult cases to the competent judiciary, and sheltering battered women and children in special institutions attached to the Ministry of Labour and Social Affairs. A draft act to combat domestic violence has been prepared and put before the General Secretariat of the Council of Ministers and has been sent to the State Consultative Council for scrutiny and comment. This act will entail the establishment of shelters for the protection of battered women. To date,

however, no shelters have been established because the law is still pending enactment. The Ministry of Human Rights-affiliated NCHR has formulated a programme to educate and raise awareness of the Convention on the Rights of the Child, as indicated in paragraph 17, above.

25. Regarding the Committee's concern, expressed in paragraph 21 of the concluding observations, relating to ill-treatment and sexual abuse, Iraqi law addresses these matters on the basis of the following:

1. Article 37 (third), of the Iraqi Constitution outlaws forced labour, serfdom, slavery, the slave trade, trafficking in women and children and the sex trade;

2. Iraqi Penal Code No. 111 (1969) considers the crimes of abduction, sexual assault and incitement to commit suicide as aggravated crimes, if the victim is under the age of 18;

3. Prevention of Trafficking in Persons Act No. 28 (2012);

4. Anti-Prostitution Act.

26. At international level, Iraq has acceded to the United Nations Convention against Transnational Organized Crime, pursuant to Act No. 20 (2007), ratified on 17 March 2008, and the Protocols thereto on trafficking in persons. Furthermore, Iraq has acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, pursuant to Act No. 23 (2007) and the second Protocol thereto, on the involvement of children in armed conflict. The aim here is to protect children from exploitation for purposes of sale, child prostitution and child pornography and to prevent their involvement in armed conflict.

27. Regarding the Committee's concern, expressed in paragraph 22 of the concluding observations, about the deteriorating health situation of children and increasing child mortality rates, article 31 (first) of the Iraqi Constitution guarantees the following: *Every Iraqi has the right to health care. The State shall take care of public health and provide the means of prevention and treatment by building hospitals and medical institutions*. In line with the Public Health Act No. 89 (1981), the Iraqi legislature is anxious to ensure full physical, mental and social fitness, as a right guaranteed by society to all citizens. The State shall provide all the requirements for the enjoyment thereof to enable citizens to participate in building and developing society and it shall care for the health of the family, the welfare of mother and child, the elderly and school health. We draw attention to the greatly reduced rate of child mortality in comparison with the situation in the 1990s. From 122 deaths per 1,000 live births in 1999, the rate of infant (under the age of five) mortality fell to 41 per 1,000 live births in 2006. The decline has continued, to 35 per 1,000 live births in 2007, 34 per 1,000 live births in 2008, 30 per 1,000 live births in 2009 and 28.7 per 1,000 live births in 2010.

28. Regarding the Committee's concern, expressed in paragraph 23 of the concluding observations, relating to adolescent health and the data on teenage pregnancy, abortion and suicide, Public Health Act No. 89 (1981) makes reference to mother and child welfare and family health and to the duty of society and the State towards mother and child from conception. The Act provides for the country to be covered with health centres to care for the health of the mother, child and family, provide medical testing for those applying to marry in order to determine their

fitness and well-being and to issue a certificate of health, and to prepare the wife psychologically and health-wise to assume her future role and responsibilities as mother. The health of a pregnant woman and her unborn child are monitored by regular tests and her nutritional status is checked. Families are advised to leave a reasonable period of time between pregnancies for the sake of the health of mother, child and family. Children are checked regularly to ascertain their development and to maintain their health, while mothers are given guidance on the nutrition required by growing children. Citizens are obliged to have periodic vaccinations, in accordance with instructions issued by the competent health body. The Iraqi legislature is keen to ensure the health of pupils and students by conducting medical check-ups on those attending nurseries, kindergartens, schools, institutes and colleges. Initial vaccinations are administered to those who have not previously been vaccinated and boosters are given in nurseries, kindergartens, schools, institutes and colleges. Pupils receive regular dental, eyesight and hearing checks. Preventive school health services cover all nursery and kindergarten childrea, primary school pupils and secondary school, institute and college students, as well as the employees of these educational institutions and internal sections (student accommodation) attached thereto.

29. Regarding the Committee's concern, expressed in paragraph 24 of the concluding observations, about the lack of facilities and services for persons with disabilities, article 32 of the Iraqi Constitution stipulates that: *The State shall care for the handicapped and those with special needs and ensure their rehabilitation in order to reintegrate them into society. This shall be regulated by law.* The act of accession of Iraq to the Convention on the Rights of Persons with Disabilities has been passed (Act No. 16, 2012).

30. At national level, Parliament has passed the Disabled Welfare Commission Act. There is another bill, put forward by the Ministry of Labour and Social Affairs entitled, "Persons with special needs welfare bill".

31. Regarding the Committee's concern, expressed in paragraph 25 of the concluding observations, about children giving up school to enter the job market, this issue is addressed in article 29 (second) of the Iraqi Constitution, which stipulates that: *Children have the right to upbringing, care and education from their parents. Parents have the right to respect and care from their children, especially in times of need, disability, and old age.* National legislation exists in this area, including the Labour Act No. 71 (1987) and article 15 of the Compulsory Education Act No. 118 (1976), which draws attention to cooperation between the Ministry of Education and Ministry of Labour and Social Affairs to ensure the application of the legislative provisions requiring that juveniles below the age of 15 are not to be employed and that offenders are to be punished. There is a draft new Labour Act and Workers' Social Security and Retirement Act No. 39 (1971). Repeal of decree No. 368 of the dissolved Revolutionary Command Council, on child labour, is being studied.

32. At international level, we point to Iraq's ratification of the Forced Labour Convention (1930) and Recommendations Nos. 35 and 36 annexed thereto, pursuant to Act No. 60 (1962); the Worst Forms of Child Labour Convention (1999) and Recommendation No. 190 annexed thereto, ratified by Act No. 9 (2001); the Convention concerning the Protection of Workers against Occupational Hazards in the Working Environment due to Air Pollution, Noise and Vibration No. 148, ratified by Act No. 154 (1979); the Older Workers Recommendation No. 162 (1980)

of the International Labour Organization, ratified by Act No. 162 (1980); and the Convention concerning Occupational Safety and Health No. 152 (1979), ratified by Act No. 35 (1981).

33. Regarding the Committee's concern, expressed in paragraph 26 of the concluding observations, about growing economic exploitation of children, we note that article 29 (third) of the Iraqi Constitution stipulates that: *Economic exploitation of children in all forms shall be prohibited and the State shall take the necessary measures for their protection.*

34. Regarding the Committee's concern, expressed in paragraph 27 of the concluding observations, about the situation of children living and/or working on the streets, we would like to note that the phenomenon of street children is linked to economic, social and political circumstances and numerous factors have contributed to its increase. It is a societal phenomenon, of which the main causes are poverty, internal and external wars, migration from rural to urban areas, displacement, domestic and societal factors (being orphaned or loss of one or both parents) and unemployment.

35. The measures taken by the Government include a Ministry of Labour and Social Affairs campaign to round up beggars, which resulted in taking 829 child beggars off the streets and giving them shelter in ministry centres during the period from 20 March 2005 to 13 February 2006. In addition, there are Government institutions to shelter these children and provide them with services.

36. Regarding the Committee's concern, expressed in paragraph 28, about the threat posed by landmines to the survival and development of children, we note Iraq's accession to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, signed in Ottawa on 2 December 1997, and promulgation of the act of accession (Act No. 11, 2006).

37. Regarding the Committee's concern, expressed in paragraph 29 of the concluding observations, relating to juvenile justice and its incompatibility with the Convention, we note that article 19 (first) of the Iraqi Constitution stipulates that: *The judiciary is independent and has no power over it save the law.*

38. The Juvenile Welfare Act No. 76 (1983) is designed to curb juvenile delinquency by protecting juveniles and enabling them to adapt to the values and moral guidelines of society. This law applies to juvenile delinquents, youngsters and juveniles prone to delinquency and to their parents/guardians; these terms are defined below for the purposes of this Act:

(a) A youngster is a person under 9 years of age;

(b) A juvenile is a person over 9 but under 18 years of age;

(c) A juvenile is considered a preadolescent if he is over 9 but under 15 years of age;

(d) A juvenile is considered an adolescent if he is over 15 but under 18 years of age;

(e) A guardian shall be the father or mother, or any person into whose custody a youngster or juvenile is committed or who is entrusted with bringing up a youngster or juvenile by court order.

39. The draft of the new Juvenile Welfare Act would raise the age of criminal responsibility of juveniles from 9 to 11 years to bring it into line with international conventions. The bill has been scrutinized by the State Consultative Council and is currently before the General Secretariat of the Council of Ministers for study.

40. Regarding the Committee's concern, expressed in paragraph 30, relating to making the initial report and written replies presented by the State party available to the public, we note that Iraq's report on the Convention on the Rights of the Child and the replies to subjects of concern in the previous report will be published on the official website of the Ministry of Human Rights. Publication on the website will be announced in the press to elicit views and observations of the public and interested activists, academics and civil society organizations. Furthermore, it will be featured in periodicals and bulletins published by the ministry.

II. Objective information

A. General measures to implement the Convention

Reservations to the Convention

41. Iraq's reservation to article 14, paragraph 1, is due to its incompatibility with the principles of the Islamic religion and thus with the Iraqi Constitution of 2005.

Legislation and domestic practice applying the Convention in Iraqi law

42. Numerous amendments have been made to national legislation concerned with children to ensure that Iraqi children enjoy all rights stipulated in the Convention. The most prominent of such amendments are the provisions of the new Iraqi Constitution (2005), together with legislation relating to children at the draft stage, including the draft Child Protection Act, the Children's Parliament Act, the draft Child Welfare Commission Act, the Youth Parliament, the draft child protection policy for Iraq prepared by CWC (Ministry of Labour and Social Affairs) and the Prevention of Trafficking in Persons Act. In the context of legislation that seeks to apply the concepts of human rights, the Government of Kurdistan Region enacted the Prevention of Domestic Violence Act in the Kurdistan Region of Iraq No. 8 (2011).

43. In order to stop the smuggling of children, the General Directorate of Borders has issued directives that passports, especially those of persons travelling with children on the same or separate passports, are to be checked carefully to ascertain their proper legal position and the relationship between them, for fear of exploitation and trafficking of children. It has further instructed that all data be entered on computer, particularly that of minor children travelling in the company of guardians. In addition, the Ministry of Interior has set up a family protection police force with special competence in criminal cases to resolve problems arising within the family and to train psychological workers. Training courses have been conducted for this purpose. Two child hotlines have been set up.

44. To eradicate the culture of violence among children, spread the spirit of tolerance and reshape social behaviour to create a healthy generation and to prevent the manufacture and import of children's games that promote violence, a bill is currently before the Council of Representatives to prohibit the manufacture and import of children's games that promote violence.

45. Under the School for the Gifted Act No. 49 (2001) a school – the School for the Gifted – is to be set up. The school will be attached to the Ministry of Education and situated in Baghdad. The minister has the power to open one such school in each governorate, designed to build and develop all aspects of the child's personality and develop scientific and research gifts by means of special curricula. In the context of care for gifted children, a National Committee for Children has been formed in coordination between the Ministry of Human Rights and other relevant ministries.

46. As regards developing young people's abilities to address legislative matters, two unofficial bodies have been set up to enact their own laws. These are the Iraqi Children's Parliament, which had its nucleus in Maysan governorate before being extended to all governorates, and the Youth Parliament project, which is sponsored by the Iraqi Ministry of Youth. They have been created to enable young people to play an effective and prominent role in the political, social and cultural spheres and to open channels of real participation for them to demonstrate their capacities and potential and express their opinions and ideas.

47. From 1980 until the demise of the former dictatorship in 2003, Iraq experienced exceptional circumstances due to constant wars and the subsequent period of unstable security, which has left its mark at all levels. Primarily concerned with re-establishing security and securing the safety of citizens, the Iraqi Government has nevertheless been busy since 2007 studying schemes relating to children that are informed by the spirit of the Convention. The Government is currently enacting legislation, the most significant of which are the draft Child Protection Act and the Labour Act. Act No. 71 (1987, amended) remains in force following the amendment of section 2 (protection of juveniles) pursuant to Coalition Provisional Authority order 89 (2003), on the protection of children at work.

48. In line with the United Nations resolution making 1979 the International Year of the Child, a higher national committee for children was formed, with representatives from ministries and concerned bodies. This committee recommended that CWC be formed under the chairmanship of the Minister of Labour and Social Affairs and with representatives from the Ministry of Labour, Ministry of Education, Ministry of Health, Ministry of Culture, Ministry of Planning and Ministry of Foreign Affairs, as well as from the National Union of Iraqi Students and Youth and the General Federation of Iraqi Women. Following the demise of the former dictatorship in 2003, the National Union of Iraqi Students and Youth and the General Federation of Iraqi Women were replaced by the Ministry of Youth and Ministry of State for Women's Affairs, and other bodies were added, including the Ministry of Justice, Ministry of Interior, Ministry of the Environment and Ministry of Human Rights. Given the Iraqi Government's concern with children, CWC reports directly to the Prime Minister. The most significant past achievements of CWC may be summarized as follows.

49. In collaboration with the Constitution Drafting Committee, CWC sought to have the principles of the Convention included in the 2005 Iraqi Constitution. This endeavour was crowned with success with articles 29 and 30, which guarantee mother and child welfare, youth welfare and their protection from all forms of economic exploitation. Article 29 stipulates:

> *First: (a) The family is the foundation of society; the State shall preserve the family and its religious, moral, and national values;*

(b) The State shall guarantee the protection of motherhood, childhood and old age, shall care for children and youth, and shall provide them with the appropriate conditions to develop their talents and abilities;

Second: Children have the right to upbringing, care and education from their parents. Parents have the right to respect and care from their children, especially in times of need, disability, and old age;

Third: Economic exploitation of children in all of its forms shall be prohibited and the State shall take the necessary measures for their protection.

50. Article 30 stipulates:

First: The State shall guarantee to the individual and the family – especially children and women – social and health security, the basic requirements for living a free and decent life, and shall secure for them suitable income and appropriate housing;

Second: The State shall guarantee social and health security to Iraqis in cases of old age, sickness, inability to work, homelessness, orphanhood, or unemployment and shall work to protect them.

51. CWC exerted exceptional efforts during the second scientific conference on defence of the rights of the child, held in Irbil in 2005, to ensure Iraq's ratification of the two Optional Protocols to the Convention on the Rights of the Child. This endeavour was crowned with success when Iraq acceded to the Protocols pursuant to Act No. 23 (2007).

52. CWC has recently submitted three draft acts: the Child Protection Act, the Orphan's Guarantee Fund and the Children's Parliament Act.

53. Six scientific conferences on defence of the rights of the child have been held, four in Baghdad and one each in the governorates of Irbil and Najaf.

National strategies, plans and public policies in support of childhood

54. The Government of the Republic of Iraq is working towards adoption of a national childhood protection policy, based upon a number of policies and programmes, to ensure application of the CWC Act within official bodies. The situation with regard to programme and policy coordination has taken a new form, consisting in enhancing the effectiveness of CWC by involving all institutions of State in the interests of the child, with violations relating to implementation of the Convention monitored by governorate offices. The Ministry of Labour and Social Affairs and Ministry of Human Rights coordinates with non-governmental organizations in this area.

55. CWC in Iraq is endeavouring to formulate a general framework for a national child protection policy. The most important element of this strategy is the formulation of a general framework to channel functions, processes and programmes in a planned and systematic manner towards changing the situation of children, in line with the principles of the Convention, national demands and social customs. The strategy aims, inter alia, to:

- Ensure an appropriate, normative social environment for children and protect them from abuse, harm and deprivation;

- Respect the special nature of children and the conditions and circumstances of their growth and development, and act in their best interests;
- Provide opportunities for educational and social advancement through educational reform and social change;
- Promote the standards of human rights and of the Convention on the Rights of the Child;
- Shed light on problems and challenges and provide means of addressing them;
- Stress the institutional approach in dealing with the circumstances of childhood and distribution of responsibilities and roles.

56. Social policies and reform programmes are designed to ensure the demands of personal security, remove threats to personal growth and family and social integration, support social service organizations, create favourable conditions for shelters, rehabilitation units and treatment units to thrive, as well as provide treatment for the effects of war, and achieve environmental security. Specifically, they are designed to address the challenges facing the children of Iraq, such as child labour, child marriage, the smuggling of children, children in conflict with the law, children who have lost parental care, female circumcision, sexual exploitation of children, child victims of armed conflict, violence against children and the dangers to children of landmines.

The poverty reduction strategy

57. Iraq has launched a strategy to reduce the numbers of citizens living in poverty from 7 million to 5 million and to reduce the illiteracy rate from 28 per cent to 14 per cent in the five-year period 2010-2014. The strategy also seeks to improve the monthly income and standard of health and education of the poor, provide them with better housing and social protection and demonstrably reduce the number of individuals living below the poverty line. The strategy was formulated under an agreement of joint cooperation between the Ministry of Planning and the World Bank and has resulted in the formation of a higher poverty reduction strategy committee, consisting of three members of the Council of Representatives and a number of representatives from ministries, the universities and the Government of Kurdistan Region. The strategy was prepared with technical support from the World Bank and is the first official attempt to measure poverty. To address unemployment in Iraq, the Ministry of Labour and Social Affairs, in partnership and coordination with ministries and organizations, has published a national employment policy document for Iraq. The Ministry of Planning, in partnership and coordination with other ministries and organizations, is intent on addressing unemployment in Iraq, which has led to the publication of a national employment strategy document. These represent a window on future developments in the job market.

The child protection policy drafting secretariat

58. For many years, Iraq has faced challenges and difficulties that have damaged the country's economic and social infrastructure and contributed to lowering indicators of national growth and level of services. As half the population of Iraq is below the age of 18, children were the most affected. These children are the heirs of decades of conflict and dictatorship. They face a rapidly-changing security, political and economic situation that is sliding into humanitarian crisis and have suffered

violations of rights, despite the existence of Government programmes designed to provide protection. The absence of comprehensive and effective national policies underlies this. As such, there has been a need to ensure the protection of children and guarantee their rights as affirmed by international conventions, including the Convention on the Rights of the Child. Accordingly, the Ministry of Labour and Social Affairs, represented by CWC, took upon itself the task of formulating a national child protection policy in Iraq. The first step towards achieving this goal consisted of a meeting convened in Baghdad between the Ministry of Labour and Social Affairs and the Danish Embassy to open up horizons of cooperation between the two parties regarding policy development. Building on this, the parties signed a memorandum of understanding on 8 June 2009, providing advisory support for members of the secretariat which will be in charge of drawing up a comprehensive national child protection policy in Iraq. With support from the consultation office of the Danish Ministry of Foreign Affairs, the Bayt el-Khibra Arab Development Centre for Study, Research and Training organized a workshop for high-level managers on national child protection policy in Iraq in the Lebanese capital, Beirut, on 4-10 November 2009. The workshop was attended by representatives of the Ministry of Labour and Social Affairs, represented by CWC, and other ministries, as well as representatives from civil society organizations. This workshop formed the springboard for the project.

59. On 26 January 2010, CWC formed the child protection policy drafting secretariat, with a membership of 14 staff with a range of specializations from departments and sections of the Ministry of Labour and Social Affairs. Members of the secretariat held a number of preparatory meetings in Baghdad to discuss the initial policy drafting steps. Members participated in two training workshops held in Beirut to build and develop their policy drafting capacities. The secretariat will base its work upon the principle of participation and consultation with partners and on the action plan prepared with technical support from the Danish Ministry of Foreign Affairs. This plan contains mechanisms for consultation with partners and interested parties from ministries and civil society organizations, as well as academics, specialists and children's rights activists, given their ability to communicate with many of the target groups.

Principles of the consultation strategy action plan

60. The principles of the consultation strategy action plan are as follows

- To guarantee the effective participation of all interested parties, ensuring that they will contribute to the exchange of information required by the process of policy drafting;
- To adopt the principle of transparency at all stages of consultation with partners in order to achieve credibility and clarity;
- To respect the role and opinions of partners during the consultation process.

61. The process of consultation with stakeholders and partners will be based upon appropriate mechanisms compatible with all stages and steps of Iraq's child protection policy, and capable of being implemented on the ground. These mechanisms will take the form of holding meetings, convening forums and organizing conferences.

62. A team from the secretariat has been charged with preparing a report on challenges facing children's enjoyment of rights. The information and data it gathers

will form the core of the report, which will be submitted to the recently-formed advisory committee, consisting of experts, specialists and those concerned with children's affairs in Iraq, including staff from Government ministries and civil society organizations, academics and human rights activists – particularly children's rights activists.

63. The advisory committee was formed to give advice and express an opinion to members of the secretariat at all policy stages. The committee is made up of:

- Jurists in the field of international law and national legislation on child protection;
- Experts in the formulation of plans and policies;
- Activists from civil society organizations working in the field of child protection;
- Academics specializing in childhood;
- An economist, to conduct an economic feasibility study of policy-related project action plans and programmes.

64. The principles upon which Iraq's child protection policy will be based are contained in the Convention of the Rights of the Child. There are four fundamental principles:

- The best interests of the child;
- Non-discrimination;
- The right to life, survival and development;
- The right to participation and expression.

In addition, those Iraqi values and traditions that underpin child protection and safeguard children's rights are also incorporated, given that the family is a basic partner in the implementation of this policy.

Steps in Iraq's child protection policy

65. The steps of Iraq's child protection policy include:

- Formation of the advisory committee, which will represent an authoritative source of advice during the stages of policy development;
- Preparation by the secretariat, in collaboration with the consultation office of the Danish Ministry of Foreign Affairs, of a consultation strategy action plan for drawing up Iraq's child protection policy, for presentation to the Minister of Labour and Social Affairs for approval;
- Formation of working groups consisting of members of the secretariat to collect and analyse information and data on the situation of children in Iraq for use in writing the situation report, in consultation with partners (by holding meetings and forums); use will also be made of information contained in international reports;
- Writing a situation report that reflects the reality of Iraqi children, based on information obtained through the process of data and information collection in order to propose the prioritization of problems that represent violations of conventions on the rights of the child;

- Convening the first national conference in Baghdad, under CWC sponsorship and with the participation of interested parties and partners from ministries and civil society organizations, academics, specialists, human rights activists and media workers, to discuss the situation report, make recommendations on proposed priorities and reach agreement thereon;
- Preparation by the secretariat, in consultation with a number of specialists and experts, of an options paper on the priorities agreed at the first national conference;
- Dissemination and distribution of the options paper at forums and meetings with partners and interested parties, as well as through the media, Internet and civil society organizations, to identify the best solutions;
- Preparation of a consolidated report containing responses to and recommendations on the proposed solutions; the secretariat shall be responsible for this task, in consultation with the advisory committee and with the approval of the Ministry of Labour and Social Affairs and CWC;
- Formulation of a draft Iraqi child protection policy, in consultation with concerned parties, specifying the time frame for implementation, for presentation to the second national conference;
- Convening of the second national conference in Baghdad, under CWC sponsorship and with the participation of interested parties, to discuss and adjust the final version of the draft Iraqi child protection policy;
- Presentation of the final version of the draft Iraqi child protection policy to the Government of the Republic of Iraq by the Minister of Labour and Social Affairs (the chairperson of CWC) for approval and implementation.

66. Several projects adopted by the Ministry of Youth and Sport are deemed to be strategic, given that their goals are both short and long-term. The most important of these projects are:

- The Youth Parliament: the Ministry of Youth and Sport created the Parliament through a special process whereby several young people nominated themselves for election and young people choose their representatives, in proportion to the population of each governorate. The goal of the Parliament is to present the problems and needs of young people to the responsible executive and legislative bodies in the State;
- The Youth Observatory: the goal of the observatory, which is made up of young people under the age of 18 and older, is to monitor problems that young people have and to identify and foster positive situations, while formulating solutions to address and rectify negative situations;
- The Youth Survey: this is one of the ministry's key projects. Its importance consists in the development of a large database on the entire range of youth affairs, including problems, needs and essential demands in terms of education, housing and food.

67. The Ministry of Youth and Sport has also held numerous meetings, forums and workshops to raise awareness and educate society about the Convention on the Rights of the Child and to mobilize public opinion on the importance of giving children their full rights. Furthermore, the ministry has focused on mobilizing public

opinion to put pressure on those responsible in Parliament and the Government to concern themselves the affairs of children and young people, as the men and women of the future. Efforts have consisted of the following:

- Two workshops for media workers to foster the role of the media in pressurizing those in positions of responsibility to adopt the national strategy for youth;
- A workshop for representatives of civil society organizations working with young people to help them raise popular demand for adoption of the national strategy for youth;
- A workshop for religious institutions and religious figures from Sunni and Shia endowment boards, as well from other denominations, on how to mobilize society to adopt the national strategy for youth, in their capacity as influential institutions in society;
- Coordination meetings with representatives from other ministries to increase their support for the national strategy for youth;
- A training course for trainers on how to spread the concept of participation, with the help of regional trainers who participated in the course run by UNICEF;
- A workshop on implementing a youth parliament pilot project and creating field mechanisms for establishing a youth parliament;
- Two training courses for workers and trainers in the arts and culture sector on preparing drama-based material for disseminating knowledge on the rights of the child, as well as art courses for young people in collaboration with the Ministry of State for Women's Affairs;
- A seminar introducing the Youth Parliament committee, with political, legal and religious figures invited to lend support to adoption of the national strategy for youth;
- A workshop to discuss the framework of the national strategy for youth in Iraq, with the goal of involving all ministries and sectors in formulating the strategy;
- A workshop on raising awareness of and educating about the rights of the child and the Convention on the Rights of the Child, in coordination with UNICEF. The ministry's forums are open to all groups of society of both sexes and these are well attended, particularly on Fridays, official holidays and during school and university vacations.

Coordination mechanism for implementing the Convention

68. The body responsible for coordinating national efforts to implement the Convention is the Ministry of Human Rights, in collaboration with CWC, as well as relevant ministries, including those of justice, interior, education, higher education, labour and social affairs, health and youth, the Higher Judicial Council and civil society organizations.

Budget allocated to childhood

69. There are no clear and separate resources allocated for children in the budget of the Government of the Republic of Iraq. Resources are spread across those Iraqi

institutions and ministries whose work, in part, involves children, such as the ministries of education, health, justice, youth and sport. An exception is the Ministry of Labour and Social Affairs, part of whose budget is set aside for children.

International aid

70. CWC is the higher national body responsible for formulating public policy on childhood in Iraq, coordinating efforts of bodies concerned with implementation of this policy and working to develop and monitor the implementation of child welfare and the development services and programmes. Furthermore, it is responsible for submitting proposals on legislative amendments and new legislation to ensure that greater attention is paid to childhood. It coordinates with bodies that organize conferences and discussion forums on child welfare and participates in events convened by Arab, national and international organizations.

71. Significant CWC projects in collaboration with international organizations are:

(a) Formulation of a child protection policy in Iraq, in collaboration with UNICEF;

(b) Fostering life skills among young people, in collaboration with the United Nations Development Fund (UNDP);

(c) Promoting protection and justice for children, in collaboration with UNICEF and UNDP;

(d) Psychosocial support for the children of displaced families, in collaboration with UNICEF;

(e) Helping the victims of landmines, in collaboration with UNDP.

72. In the field of collaboration and coordination, the Republic of Iraq has, through the Ministry of Education, Ministry of Planning and Ministry of Labour and Social Affairs, coordinated with international organizations to provide support for the following projects and schemes:

- The accelerated learning project, supported by UNICEF, targets the 12-18 age group and covers those who did not enrol in school or who dropped out of primary education after three years instead of completing six years. The project enables them to catch up with their peers and, by the end of 2009, more than 31,000 students had enrolled. The project has been a great success and numbers are expected to double in coming years. Special syllabi have been designed, with a comprehensive teacher's guide. Schools cover all of Iraq and student numbers rose to 50,000 in school year 2010. All male and female teachers in these schools have received special training in Iraq. Furthermore, 14 instructors have been trained in the use of information and communication technology (ICT) in accelerated learning for the purpose of computerizing the courses. They themselves have trained 100 teachers to be lead instructors in the governorates covered by the project.
- The Noor al-Maarif project for girls was implemented in collaboration with the Islamic Educational, Scientific and Cultural Organization (ISESCO), with the goal of teaching 1,000 female school dropouts between the ages of 10 and 18 the basic principles of reading, writing, life skills and vocational skills. The programme was launched on 15 October 2010. The first three months are

devoted to teaching reading and writing, the second to teaching numeracy, the third to life skills and health and the fourth to vocational skills (handicrafts and sewing).

73. The Ministry of Education has expanded the opening of literacy centres, the number of which rose to 806 in school year 2009/2010, catering to 32,794 students.

Independent national human rights organizations

74. Pursuant to Act No. 53 (2008), the Higher Commission for Human Rights (HCHR) in Iraq was established to carry out the following functions and duties:

1. Coordinate with the appropriate bodies in preparing joint strategies and action plans to ensure achievement of the goals stated in article 3 of the Act;

2. Prepare studies and research, submit recommendations and express opinions on issues relating to strengthening and developing human rights;

3. Study and evaluate current legislation and the extent to which it is compatible with the Constitution, and submit recommendations to the Council of Representatives;

4. Present proposals and recommendations on Iraq's accession to international human rights treaties and conventions;

5. Collaborate and coordinate with civil society organizations working in the field of human rights in Iraq and liaise with independent, non-governmental international human rights organizations to achieve HCHR goals;

6. Strive to disseminate the culture of human rights by the following means:

(a) Incorporating the culture of human rights in educational curricula;

(b) Convening technical conferences and seminars and social events, publishing brochures and literature and preparing media programmes on topics related to human rights;

7. Submit proposals on boosting capacities in the field of human rights to the committees charged with preparing the reports which the State is required to submit to the United Nations;

8. Submit an annual report to the Council of Representatives containing a general overview of the human rights situation in Iraq, for publication in various media.

75. Pursuant to the above Act, HCHR shall:

1. Receive complaints from individuals, groups and civil society organizations concerning violations relating to implementation of this Act, maintaining absolute confidentiality of the names of complainants;

2. Undertake initial investigations into human rights violations, on the basis of information received;

3. Ascertain the veracity of complaints received and conduct initial investigations, if required;

4. Initiate lawsuits for violations of human rights, forward these to the Department of Public Prosecutions for the legal measures to be taken and inform the Commission of the outcome;

5. Visit prisons, correction centres, detention centres and other such places without the need for prior permission from authorities, meet with convicts and detainees to confirm instances of human rights violation and notify authorities for appropriate legal steps to be taken.

76. The above Act further obliges all ministries, bodies not associated with a ministry and independent organizations to undertake to submit documents, data, statistics and information relevant to the work and duties of HCHR at the specified time. HCHR shall inform the Council of Representatives if the said bodies fail to do so. Given the scale of the powers enjoyed by HCHR, it shall undoubtedly have a clear role in all areas relating to implementation of the Convention and Protocols thereto and with monitoring such implementation.

Civil society organizations and associations

77. It is difficult to obtain complete and accurate statistics on the number of civil society organizations. The same applies to organizations working in the area of childhood, since childhood is mostly found associated with other spheres, such as woman and child, environment and the child, armed violence and the child and other such designations.

78. According to research statistics, there are 105 civil society organizations, classified officially as children's organizations, woman and child organizations, orphans' organizations and organizations for the homeless. These only appeared on the scene after the change of regime in 2003, as a tangible representation of the desire for public involvement in choosing a new intellectual and political system of child development and as part of the independent recovery of freedom of action to help address the deteriorating situation of women. Because of the novelty of this sphere of activity, the numbers involved and the scale of the challenges facing Iraqi children, civil society organizations have not been able to find the proper way to extend the hand of assistance to what is one of Iraq's biggest problems. The greater part of their work involves supplying emergency aid, relief, charity and humanitarian assistance and providing health services, supporting water projects and working together to raise awareness of human rights in general and the rights of women and children in particular.

79. Because of their novelty, these organizations have not been free from political interference, although their general form and activity are oriented towards providing humanitarian assistance. Without financial independence and lacking financial support, children's organizations have resorted to relying on partnership with Government bodies concerned with women, young people and children. They justify this on the grounds that these bodies have their own committees, such as the woman and child committee in the Baghdad Governorate council and the woman and child committee in the Iraqi Parliament. The situation is the same in most of the governorates. Furthermore, the programmes of civil society organizations are still disorganized. This is reflected in the nature of the services and the fact that they cannot provide them in the optimum manner. Nevertheless, a number of these organizations in Iraq have been able to find their feet, albeit in a basic and primitive manner, identify beneficiaries and provide health, education and social services. Few organizations concern themselves with negative social phenomena, despite the pressing need for such activity, as is apparent from rates of school dropout, vagrancy, child labour and children deprived of family care. More than 45

organizations and associations concerned with children are registered with the Council of Ministers, as shown in the annex.

Spreading cultural awareness of the Convention

80. The Ministry of Human Rights, through NCHR, has been tireless in holding courses and workshops for both sexes in line with the Convention and Optional Protocols. These courses and workshops are designed to teach the rights of the child in various areas. The schedule on page six shows these activities.

81. Through coordination between governmental and non-governmental organizations and collaboration with academic institutions, mechanisms – although not yet fully satisfactory ones – have been formulated to monitor application of the Convention and identify violations thereof. An example is the Ministry of Human Rights, several departments of which have monitoring and inspection teams attached to them. Pursuant to the powers invested in them under Coalition Provisional Authority order 60 (2004) and on the basis of appropriate programmes, these teams provide services, propose initiatives, carry out studies and create conditions favourable to the protection of human rights. This work is carried out within the framework of the departmental structure of the Ministry of Human Rights. The children's rights section of the performance monitoring and rights protection department is responsible for identifying violations of children's rights in the social, political and cultural spheres, monitoring vagrancy, begging, child labour, prostitution and trafficking and making recommendations to appropriate bodies on curbing these phenomena. Furthermore, the teams seek to disseminate and foster the culture of human rights principles.

B. Definition of "child" (article 1)

82. The Iraqi Civil Code defines as a child every human being below the age of 18 years. The Juvenile Welfare Act No. 76 (1983) places children in the following categories, by age group:

(a) A youngster is a person under 9 years of age;

(b) A juvenile is a person over 9 but under 18 years of age;

(c) A juvenile is designated as a preadolescent if he is over 9 but under 15 years of age;

(d) A juvenile is designated as an adolescent if he is over 15 but under 18 years of age.

83. Iraqi law has this to say on the definition of "child":

1. The Civil Code No. 40 (1951) does not provide a definition of "child". However, article 106 thereof states that the age of majority is 18 full years and article 97, paragraph 2, states that the age of discretion is 7 full years.

2. Article 3 of the Child Welfare Act No. 76 (1983) applies the act to youngsters and juveniles and clarifies the meanings of youngster, juvenile, preadolescent and adolescent for the purpose of determining criminal responsibility (a youngster under the age of nine cannot be held criminally responsible).

84. Article 64 of the Penal Code No. 111 (1969) stipulates: *Criminal proceedings cannot be brought against any person who is under 7 years of age at the time the offence was committed.* The new draft Juveniles Act raise the age of criminal responsibility of juveniles to 11.

85. It will be observed that Iraqi legislation does not use the term "child" but rather, "youngster", "juvenile", "preadolescent" and "adolescent". This does not prejudice the validity of the legislation; it is, rather, an expression of legal precision. Note that the age of majority, defined in Iraqi legislation as 18, is consistent with the Convention.

86. As a party to the International Convention on the Elimination of All Forms of Racial Discrimination, Iraq has incorporated in its legislation articles relating to the elimination of racial discrimination. Thus article 14 of the Iraqi Constitution (2005) stipulates: *Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status.*

87. Articles 29 and 30 of the Juvenile Welfare Act No. 76 (1983) deal with the responsibility of parents/guardians towards children and prescribe penalties for any parent/guardian who, by neglecting to care for a youngster or juvenile or in any other way, induces the said youngster or juvenile to become a vagrant or delinquent or deliberately commit a misdemeanour or felony.

88. The Personal Status Act No. 188 (1959, amended) deals with the issue of gender equality in respect of eligibility to marry and defines the age of marriage as follows:

> Article 7:
>
> 1. For a marriage to be valid, the two parties should be of sound mind and have reached the age of 18;
>
> 2. A judge may authorize the marriage of a mentally ill person if it is confirmed by a medical report that the marriage will not be deleterious to society and that it is in his personal interest, provided that the other spouse expressly accepts the marriage.
>
> Article 8:
>
> 1. If a 15-year-old applies to marry, the judge may authorize the marriage if eligibility and physical capability are established, after obtaining the agreement of the legal guardian. If the guardian refuses to respond, the judge shall request his agreement within a specified period. If the guardian does not object or his objection is unworthy of consideration, the judge shall then authorize the marriage;
>
> 2. A judge may authorize the marriage of a 15-year-old if he finds that there is pressing need. The giving of such authorization is conditional upon attainment of legal puberty and physical capability.

Age of criminal responsibility

89. Under article 64 of the Penal Code No. 111 (1969), criminal proceedings may not be brought against any person who is under seven years of age at the time the crime was committed.

90. Article 233 of the Code of Criminal Procedure No. 23 (1971) stipulates:

(a) No legal action shall be taken against a youngster under the age of seven;

(b) The age of the juvenile at the time the crime was committed is the basis for appointing the proper court before which to try him;

(c) If the juvenile reaches the age of 18 during the investigation, he shall be referred to the Misdemeanour Court or Felony Court. If he reaches the age of 18 after being referred to the Juvenile Court, that court shall continue to hear the case.

91. Article 47 of the Juvenile Welfare Act No. 76 (1983) stipulates:

1. No legal action shall be brought against anyone who, at the time the crime was committed, was below the age of seven;

2. If a youngster commits an act punishable by law, the court shall rule to hand him over to his parent/guardian for implementation of the court recommendations to ensure his good conduct, pursuant to an undertaking accompanied by bail of not less than IQD 200 and not more than IQD 500, for a period of not less than two years and not more than five years.

92. Article 76, paragraph 2, of the Juvenile Welfare Act stipulates that if a preadolescent commits a felony punishable by death, the Juvenile Court must commute the legally prescribed penalty to placement in a rehabilitation school for preadolescents for a period of not less than 6 and not more than 10 years.

93. The draft of the new Juveniles Act raises the age of criminal responsibility of juveniles to 11.

94. Under article 32 of the Juvenile Welfare Act No. 76 (1983), the Juvenile Court may, at the request of a relative of the youngster or juvenile or of the Department of Public Prosecutions, rule to revoke the guardianship of the youngster or juvenile for a period to be determined, in the following cases:

1. If the guardian is convicted of a crime in breach of public morality and decency;

2. If the guardian is convicted of assaulting a youngster or juvenile by wounding, severely beating or deliberately causing him harm;

3. If the guardian is convicted under article 30 of this Act;

4. If the guardian is convicted of a deliberate felony punishable by deprivation of liberty for a period of not less than three years.

95. Article 33 of the same Act stipulates that if the court rules to revoke the guardianship of a youngster or juvenile, it must inform the Personal Status Court thereof in order for the required legal measures to be taken.

96. Article 34 stipulates that:

1. Before ruling to revoke guardianship, the Juvenile Court must ask the Office of Personality Study to conduct a social background investigation and a medical and psychological examination of the youngster or juvenile in order to determine the extent to which he would be affected by revocation of guardianship so that it can propose the most appropriate measure to be taken;

2. After considering the report of the Office of Personality Study, the Juvenile Court may decide on one of the following:

(a) To hand over the youngster or juvenile to the custody of another guardian in the absence of a relative;

(b) To place the youngster or juvenile in a State hostel or a social welfare institution established for such purpose;

3. The Juvenile Court must request the social worker or probation officer to submit a report every month on the condition of the youngster or juvenile and the extent to which he has been affected by the revocation of guardianship, with a recommendation on the measures to be taken in his interests.

97. Article 35 stipulates that the Juvenile Court may rule to restrict the guardianship of a youngster or juvenile, if it believes that the child's interests so require.

98. Article 36 stipulates:

1. Guardianship may be restricted by obliging the guardian to care for the juvenile in accordance with conditions laid down by the Juvenile Court, with compliance monitored by a probation officer or social worker for a period recommended by the court;

2. If, on the basis of a report by the probation officer or social worker or an application from the Department of Public Prosecutions, the Juvenile Court finds that the guardian has failed to comply with the conditions of care, it may rule to revoke guardianship.

99. Under article 37, the Juvenile Court may rule to replace the guardian or change, modify, or revoke a measure that it had previously ordered, if it is in the interests of society or of the youngster or juvenile concerned.

100. Under article 38, the measures arising from revocation of guardianship shall conclude when the youngster or juvenile reaches the age of 18.

Age of early marriage and forced marriage

101. Article 9 of the Personal Status Act No. 188 (1959) stipulates that:

1. No relative or third party shall have the right to force marriage on any person, whether male or female, without their consent. The contract of a forced marriage shall be considered void if the marriage has not been consummated. No relative or third party shall have the right to prevent anyone eligible to marry under the provisions of this act from marrying;

2. A first degree relative who violates the provisions of paragraph 1 of this article shall be sentenced to not more than three years imprisonment and/or a fine. An offender not a first degree relative shall be sentenced to a term of imprisonment of not less than 3 years and not more than 10 years;

3. The Personal Status Court or Family Court must notify investigating authorities of any violation of the provisions of paragraph 1 of this article so that legal action may be taken against the offender. The court is entitled to hold the offender in custody to ensure his appearance before the authorities. Any person subjected to coercion or prevention shall have the right to refer directly to investigating authorities concerning this matter.

Capital punishment

102. The judicial system in the Republic of Iraq permits the death penalty. However, there is a separate law governing crimes committed by and litigation against a child under the age of 18 when the crime is committed. The Juvenile Welfare Act No. 76 (1983, amended) does not permit life imprisonment or the death penalty. A criminal action cannot be brought against a child under the age of nine, however grave the offence. The new draft Juveniles Act raises the age of criminal responsibility of juveniles to 11.

Age of employment

103. The general principle in Iraqi legislation is that legal actions may not be concluded by persons under the age of 18. However, in certain circumstances legal actions may be concluded by a 15-year-old under judicial supervision and as authorized by competent courts.

104. The framework governing the age of employment in Iraq is to be found in the Labour Act No. 71 (1987), amended pursuant to Coalition Provisional Authority order 89, as follows:

- Article 90: Prohibition of child labour and definitions:

(a) The minimum age for admission to a job or work within Iraqi territory and to means of transport registered in Iraqi territory shall be 15 years;

(b): The term "juveniles" in this chapter means persons who have not reached the age of 18.

Article 91: Work that juveniles are prohibited from performing:

(a) Juveniles shall be prohibited from performing work which, by its nature or the circumstances in which it is carried out, will be detrimental to their health, safety or morals;

(b) The relevant ministry, in consultation with labour organizations and employers' organizations, shall periodically and whenever needed review the types of work to which the above provision applies. These shall include but not be limited to the following:

(i) Working underground, under water, at dangerous heights or in enclosed or confined spaces;

(ii) Working with dangerous machinery, equipment and tools, or work requiring the manual transportation of heavy loads;

(iii) Working in an unhealthy environment that may, for example, expose juveniles to real danger, hazardous agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;

(iv) Working under particularly difficult conditions, such as working for long hours or in certain circumstances during the night or work where the juvenile is unreasonably confined to the premises of the employer;

(c) The following are considered worst forms of child labour and shall be prohibited:

(i) Slavery or similar practices, such as the sale and trafficking of children, serfdom, debt bondage and forced or compulsory labour, including the forced recruitment of children for use in armed conflict;

(ii) Exploitation, procuring or offering for sale of a child for prostitution, for the production of pornographic films or for pornographic performances;

(iii) The exploitation, procuring or offering for sale of a child for illicit purposes, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(iv) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. The relevant ministry, in consultation with labour organizations and employers' organizations shall review and revise the list of types of work to which this stipulation applies;

(d) Any person who benefits or helps others to benefit from work which harms children or leads them into delinquency, as mentioned above, shall be liable to prosecution under the Penal Code;

(e) The Government of Iraq shall design and implement action programmes to eliminate crooked child labour as a priority. To this end the Government shall take the following specific measures:

(i) Prevent the involvement of children in crooked activity;

(ii) Provide necessary and appropriate help to remove children from crooked employment, rehabilitate them and reintegrate them into society;

(iii) Ensure access to free basic education and vocational training, wherever possible, for all children at particular risk;

(iv) Take account of the special situation of girls who, because of their gender, may be vulnerable to sexual exploitation.

105. For purposes of article 91, the term "child" shall apply to all persons under the age of 18. Article 92 requires that a framework be put in place for the medical examination and supervision of juveniles in employment, as follows:

1. Juveniles shall not be admitted to any form of employment or work unless they have undergone a thorough medical examination to determine their fitness for the job;

2. The examination for fitness for employment shall be carried out by a qualified physician approved by the competent authority; it shall be confirmed either by a medical certificate or an endorsement on the work permit or register of employment;

3. The certificate of fitness for employment may be issued as follows:

- Subject to specific conditions of employment for a specific job or group of jobs or occupations having the same health risks and that have been classified as a group by the competent authority;
- Fitness of a juvenile for employment shall be subject to medical supervision until he or she reaches the age of 18;

- Continued employment of the juvenile shall depend upon further medical examinations at intervals of not more than one year;
- Medical examinations required by the preceding paragraphs shall not entail any expense for the juvenile or his or her parents;
- The term " competent authority" means the ministry responsible for labour or ministry responsible for health or both.

106. Article 93 sets out the framework relating to hours of work and annual leave for juveniles, as follows:

1. A juvenile under the age of 18 may not work for more than seven hours per day;

2. Daily hours of work must include one or more rest periods of at least one hour in total to allow the juvenile to rest; rest periods shall be scheduled so that the maximum period of continuous work shall be four consecutive hours;

3. Juveniles in employment shall have the right to 30 days paid annual leave per year.

107. Article 94 requires the formulation and posting of legal provisions and the maintenance of a register of juveniles:

1. An employer who employs juveniles who are legally permitted to work shall post at the workplace a copy of the provisions for the protection of juveniles at work;

2. The employer shall maintain a register specifying the names and ages of juveniles and the work to which they have been assigned;

3. The employer shall be required to open, maintain and make available to the labour inspector files containing the certificates of fitness for employment specified in article 92, which shall also be made available to health inspectors upon demand The employer shall provide inspectors with the reference under which the health certificate was issued.

108. Article 95 determines legal liability in the event of accidents at work, as follows:

- When an employment relationship exists between an employer and a juvenile who, under the provisions of this law is not legally permitted to work, the employer shall, upon discovery of this situation, be obliged to:

(a) Pay the young person the agreed wage for work of the same kind and skill, as if it had been carried out by an adult;

(b) Pay compensation to the male or female juvenile, if he has a work-related accident, regardless of who caused the accident;

(c) Stop employing juveniles illegally.

The provisions of article 95 shall not affect the bringing of any other criminal or civil action under this chapter.

109. Article 96 deals with exceptions for the employment of juveniles in family enterprises: The provisions of this law shall not apply to juveniles over the age of 15 who are employed in a family enterprise managed or supervised by spouse, father, mother, brother or sister.

110. Article 97 deals with appropriate penalties, as follows: any person who violates the provisions on the protection of juveniles stipulated in chapter 2 shall be sentenced to a term of imprisonment of not less than 10 days and not more than three months, or to a fine of not less than 12 times the daily minimum wage and not more than 12 times the monthly minimum wage.

Age of volunteering for armed forces

111. Service of the flag is regulated by law on the basis of article 9 (second) of the Iraqi Constitution (2005). Pursuant to Coalition Provisional Authority order 2 (23 May 2003), the Iraqi army (together with a number of other entities) was disbanded and all personnel were discharged. Order 2 (7 August 2003) established the new Iraqi army (the national defence forces) and section 6 of the order stipulates the conditions of enlistment:

Enlistment

- *The minimum age for enlistment into the New Iraqi Army is 18 years of age;*
- *Service in the New Iraqi Army will be voluntary.*

This includes the suspension of conscription in the new Iraqi army, which has not been in force since 9 April 2003.

Voluntary enlistment

112. Voluntary enlistment shall commence at the age of 18, with a guaranteed undertaking to provide documentary proof of age before an application to enlist is accepted, in accordance with the declaration made by the Republic of Iraq upon acceding to the Conventions and Protocols thereto. Article 30 of the Service and Military Retirement Act No. 3 (2010) stipulates that voluntary military service shall be accepted in accordance with the contract of voluntary service and the following conditions:

1. That the volunteer be Iraqi;

2. That the age of the volunteer be not less than 18 nor more than 25 years for service in technical categories or more than 30 years for service in other categories.

Article 1 (fifth) of the same Act states that, for the purposes of this Act, the word "soldier" shall mean any person who joins the Iraqi armed forces and makes military service his profession, whether as an officer, volunteer or student in a military, academy, school, army vocational training centre or military institution. As such, persons under the age of 18 cannot be accepted into military schools and academies.

113. Under article 66 of the Military Penal Code No. 19 (2007), any person who writes or submits an official report, statement or document concerning service or employment that conflicts with the truth, and any person who acts as intermediary for the submission thereof to a higher rank, knowing it to conflict with the truth, shall be sentenced to imprisonment. Accordingly, forging a child's documents for purposes of enlistment represents a punishable act.

114. Article 13, paragraph 2 (z) of the Iraqi High Criminal Court Act No. 10 (2005) stipulates that recruiting or enlisting children under the age of 15 years into the national armed forces or using them to participate actively in hostilities is a war

crime. Paragraph 4 (g) of the same article stipulates that recruiting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities is a war crime and punishable under the said Act. However, the law applies to crimes occurring between 17 July 1968 and 1 May 2003. It does not apply to acts occurring after this date, given that the former laws permitted voluntary service in the armed forces upon reaching the age of 18.

III. General principles (articles 2, 3, 6, 12)

A. Non-discrimination (article 2)

115. As party to the International Convention on the Elimination of All Forms of Racial Discrimination, Iraq has incorporated in its legislation articles relating to the elimination of racial discrimination. Thus article 14 of the Iraqi Constitution (2005) stipulates: *Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status.*

B. The best interests of the child (article 3)

116. The Iraqi Government has taken all possible legislative, executive and judicial measures and steps to care for and protect children, strengthen and promote family stability, help resolve domestic problems and disputes which can hinder children's enjoyment of rights stated in the Convention, ensuring that they enjoy a stable life, healthy family atmosphere and a proper upbringing in the presence of both parents, while doing all it can to support the position of mother and child.

117. National legislation determines the duties of parents (father, mother, legal guardians) towards children. The Minors' Welfare Act and Juvenile Welfare Act stipulate the need to protect the interests of the child. The Personal Status Act No. 188 (1959) provides for special care for infants and nursing children, article 55 stipulating that a mother shall breastfeed her child unless illness prevents her from doing so. Article 57, amended by Act No. 21 (1978), Act No. 211 (1984), Act No. 65 (1986) and Act No. 106 (1987), stipulate the following:

1. A mother shall have preferential right to custody upbringing of a child during marriage and after separation, unless this would be detrimental to the infant;

2. The custodial mother must be of sound mind, upright and able to raise and look after her infant. A mother shall not forfeit the right to custody of the child upon remarriage. In this case, the court shall rule, in respect of custody, in favour of the mother or father in accordance with the interests of the infant;

3. If the custodial mother is in dispute with the person responsible for the child's maintenance about the amount thereof, the amount shall be estimated by the court. The court shall make no ruling in respect of the amount while the marriage is still in existence or the wife is observing the legally prescribed waiting period (*iddat*) following a revocable divorce;

4. The father shall have the right to decide the affairs, upbringing and education of the child until he reaches the age of 10. The court may permit an extension of custody until the child reaches the age of 15, if it is established that the interests of the child so require, after checking with the relevant medical and committees. The child may only spend the night at the home of the custodian;

5. When the child reaches the age of 15, he shall have the right to choose which parent or relative he wishes to live with until the age of 18, if the court finds that he shows good sense in respect of his choice;

6. The custodial mother whose custody has been terminated by court order may apply for restoration of custody from the person to whom custody has been awarded, if it is established that living with the latter has been deleterious to the child;

7. If the child's mother ceases to fulfil custody requirements or dies, custody shall be transferred to the father, unless the interests of the child require otherwise, in which case the choice of guardian is left to the discretion of the court, taking the child's interests into account;

8. If neither parent is fit to be custodian, the court shall assign custody of the child to an upright male or female guardian. The court may consign the child to a State-run children's home, if available;

9. (a) If the child's father ceases to fulfil custody requirements, the child shall remain with the mother, as long as she meets the requirements. No male or female relative shall have the right to contest custody until the child reaches the age of majority;

(b) If the child's father dies and the mother marries an Iraqi who is a stranger to the child, the child shall remain with the mother under the following conditions:

(i) That the mother fulfils all the requirements of custody;

(ii) That the court is satisfied that remaining with the mother will not be harmful to the child;

(iii) That, upon concluding the marriage contract, the mother's husband undertakes to care for and not harm the child;

(c) If the mother's husband breaches the undertaking stipulated in ((b) (iii)), that shall be reason for the wife to apply for separation.

118. Article 58 stipulates that each person shall be financial responsible for himself except for a wife, who shall be maintained by her husband.

119. Article 59 stipulates:

1. If a child does not have money of his own, his father shall maintain him, unless he is poor and incapable of earning a living;

2. Parents shall continue to maintain their children until a girl gets married and a boy reaches the age where his peers are earning, unless he is a student;

3. The eldest child incapable of earning a living shall be tantamount to the youngest son.

120. Article 60 stipulates:

1. If a father is incapable of maintaining his child, the child shall be maintained by whomever would have the responsibility if the child was fatherless;

2. In such a case, the maintenance shall be a debt owed to the maintenance provider to be settled by the father when his financial situation improves.

121. Article 61 obliges children to support their parents with the stipulation: A prosperous child, be he the eldest or the youngest, must provide for poor parents, even if they are capable of earning a living, unless the father is habitually unemployed.

122. Article 62 stipulates that a poor person incapable of earning a living shall be supported by those of his prosperous relatives who would inherit from him, in proportion to what they are entitled to inherit.

123. The Welfare of Minors Act No. 78 (1980) deals with cases where minors are exposed to danger or mistreatment, in the following articles:

- Article 18: The directorate of welfare of minors shall apply to bring a criminal action against anyone entrusted with the care of a minor who mistreats him or exposes him to danger, pursuant to the recommendation of the social work department; the directorate shall inform the Department of Public Prosecutions with a view to following up the matter.
- Article 23: The directorate of welfare of minors shall bring a case for custody to be removed from the custodian of a minor and apply for him to be placed in the custody of another, capable of achieving the interests of the child, pursuant to the provisions of article 57 of the Personal Status Act No. 188 (1959, amended).
- Article 27: The legal guardian of a minor shall be his father and, thereafter, the court.
- Article 28: A legal guardian may only exercise the rights of guardianship, if he is entitled to exercise the right to his property.

124. On an official level, the State obliges health-care institutions and centres, homes for juveniles, orphans and the disabled and other institutions dealing with children to adhere to standards of health, safety and optimum child development. It allocates a budget sufficient to defray their costs and trains specialized, technical staff. Additionally, it oversees their activity on a continuous basis.

C. The right to life, survival and development (article 6)

125. The Government of the Republic of Iraq seeks to implement in full the provisions of the Declaration of the Rights of the Child, adopted by the United Nations General Assembly in 1959, as well as the substance of the Convention on the Rights of the Child. The child is the nucleus of society and the base of its pyramid. The State is anxious to provide all facilities and means of care to ensure proper physical, intellectual, spiritual and moral development of the child.

126. National laws affirm the right of every human being, regardless of age, to life, the exercise of natural liberty and the quest for knowledge. Article 15 of the Iraqi Constitution states that each person has the right to life and, as regards children, article 29 of the Constitution states that the family is the foundation of society. The

State guarantees to protect and support the family and care for motherhood and childhood.

D. Respect for the views of the child (article 12)

127. Article 38 of the Iraqi Constitution guarantees freedom of expression, publication, assembly and demonstration. As such, children have the right to express their views with complete freedom at home, in school or via the media. The above article states the following:

> *The State shall guarantee in a way that does not violate public order and morality:*
>
> *First: Freedom of expression using all means;*
>
> *Second: Freedom of press, printing, advertisement, media and publication;*
>
> *Third: Freedom of assembly and peaceful demonstration, to be regulated by law.*

128. There is nothing to prevent the courts hearing the views and testimony of children either directly or through their official representatives. For example, article 50 of the Juvenile Welfare Act allows the court to hear those with the right to speak in a child's defence, while article 60 of the same law allows the Juvenile Court to admit the guardian, a relative or representative of a social organization to speak in a child's defence without the need for written power of attorney.

129. Children can express their views and ideas through children's programmes on radio and television, as well as in newspapers and magazines, especially children's publications. These programmes are designed in a manner appropriate to the ages of children in order to highlight their aptitudes, ideas and creative abilities, as well as provide entertainment.

IV. Civil rights and freedoms (articles 7, 8, 13, 15-17, 37 (paragraph (a)), 39)

A. Name and nationality (article 7)

130. The Iraqi Nationality Act No. 26 (2006, amended) ensures the rights of the newborn child to nationality. It also deals with the child of unknown parents and the stateless child. The provisions of the above Act relating to who shall be considered Iraqi include:

> Article 2: Anyone who has acquired Iraqi nationality by provisions of the repealed Iraqi Nationality Act No. 42 (1924), the Iraqi Nationality Act No. 43 (1963), the Act granting Iraqi nationality to Arabs No. 5 (1975) and the decrees of the defunct Revolutionary Command Council pertaining to the granting of Iraqi nationality shall be considered Iraqi.
>
> Article 3: A person shall be considered Iraqi if:
>
> (a) Born to an Iraqi father or an Iraqi mother;
>
> (b) Born in Iraq to unknown parents. A foundling in Iraq shall, in the absence of evidence to the contrary, be considered to have been born in Iraq.

Article 4: The Minister may consider to be an Iraqi national any person born outside Iraq to an Iraqi mother and an unknown or stateless father, if he chooses Iraqi nationality within one year from reaching the age of majority, unless circumstances prevent him from doing so, provided he is resident in Iraq at the time of applying for Iraqi nationality.

Article 5: The Minister may consider Iraqi any person born and reaching the age of majority in Iraq to a non-Iraqi father also born in Iraq and ordinarily resident therein at the time of child's birth, provided that the child applies for Iraqi nationality.

B. Retention of identity (article 8)

131. Article 14 of the Constitution stipulates: *Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status.*

132. Article 15 of the Constitution stipulates: *Every individual has the right to life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.*

133. Article 16 stipulates: *Equal opportunities shall be guaranteed to all Iraqis and the State shall ensure that the necessary measures to achieve this are taken.*

134. Article 17 stipulates:

First: Every individual shall have the right to personal privacy as long as it is not incompatible with the rights of others and public morality;

Second: The sanctity of homes shall be protected. Homes may not be entered, searched, or violated, save by judicial order in accordance with the law.

C. Freedom of expression (article 13)

135. The draft Iraqi Children's Parliament act includes the following:

Section 1: Goals and purposes:

Article 1: Establishment of a Parliament for Iraqi children;

Article 2: The goals of the Children's Parliament are as follows:

(a) To consolidate values of freedom, democracy, equality and participation in decision-making by means of dialogue within an organized framework;

(b) To defend the rights of the child, affirm the human and creative role of the child and respect the right of the child to self affirmation and to participate in determining his own future;

(c) To create a common language among children and adults to reduce the impact and effects of the conflict of generations for the sake of mutual understanding and constructive interaction in the service of humanity and society;

(d) To inform children of the dangers of terrorism and protect then against fanaticism and extremist ideology;

(e) To reinforce the values of truthfulness and love of homeland, respect the values of labour, stress the value of knowledge and learning and avoid crookedness, indolence and dependency;

(f) To achieve independent representation for Iraqi children consistent with the experience of parliamentary representation in Iraq and interact with it;

(g) To train a free generation of leaders able to assume responsibility, appreciate the value of citizenship, respect the law and the rights of others in a democratic, diverse and multicultural Iraq.

Article 3: The headquarters of the Parliament shall be in Baghdad.

Article 4: A children's Parliament may be established in each Iraqi governorate on the same foundations and principles as those on which this act is based.

Section 2: Form of the Parliament:

Article 5: The Parliament shall consist of 100 children, half of whom shall be male and half female.

Article 6: The ages of members of the Parliament shall range from 12 to under 18.

Article 7: The following parliamentary committees shall be formed: culture, finance, management, discipline, coordination with children's parliaments in the governorates, media, liaison and coordination with State institutions, foreign relations and any other committees necessary for the organization of parliamentary business.

Article 8: The Parliament shall have a two-year election cycle.

Article 9: The speaker of the Parliament shall be elected by majority; the first deputy speaker and second deputy speaker shall be those receiving the highest number of votes after him.

Article 10: The deputy speaker obtaining the highest number of votes shall become speaker in the event of the speaker's resignation or death or if he is too sick to discharge his duties.

Article 11: Half the members of the Parliament shall be chosen by CWC, in collaboration with the Ministry of Education and Ministry of Youth, their branches in the governorates and municipal councils on the basis of objective criteria, the most important being: academic excellence, scientific achievement in a particular field, representation of those with special needs, creativity in cultural, literary and educational fields and distinction in youth forums.

Article 12: The other half of the members shall be elected in collaboration with the bodies stated in article 11, in accordance with instructions to be issued for this purpose.

Article 13: CWC shall prepare the groundwork for and supervise the elections.

Article 14: CWC shall be provided with the official record of parliamentary sessions.

Article 15: CWC shall appoint one or more of its members as representatives in Parliament.

Article 16: The speaker of Parliament and two other members shall have the right to take part in CWC meetings on a permanent basis.

Article 17: Certain members of the Government or of the Council of Representatives may attend parliamentary sessions, depending on the topics on the order of business.

Article 18: Relations with children's parliaments in the governorates shall be regulated on the basis of instructions to be issued by CWC.

Article 19: The speaker of Parliament or one of his deputies shall attend sessions of the national parliament when children's issues are discussed.

Section 3: Funding:

Article 20: Parliament's activities shall be funded from a special budget allocated by the Iraqi Government. CWC shall supervise the budget and authorize payment.

Article 21: Payments shall be regulated on the basis of the proper rules in force and financial transactions and accounting records shall be subject to audit by the Board of Supreme Audit.

Section 4: External involvement:

Article 22: The speaker and members of Parliament may participate in activities of civil society organizations and cultural and technical associations whenever these relate to childhood.

Article 23: The speaker and members of Parliament may participate in meetings of Arab and international children's parliaments. CWC shall be responsible for arranging this participation.

Section 5: Activities and programmes:

Article 24: CWC shall publish instructions to facilitate implementation of this Act.

Compelling reasons

136. Pursuant to the guidance of the divine epistles, at the forefront of which is the noble religion of Islam, which affirms the higher value of mankind and views the child as the promise of the future to be safeguarded and his abilities properly trained and developed in such a way as to reinforce his mental and psychological capacities and develop within him the values of liberty and tolerance, the principles of sound citizenship, love of work and respect for the values and institutions of democracy, and in harmony with the direction of the new Iraq, this Act has been promulgated.

D. Freedom of association and freedom of peaceful assembly (article 15)

137. Article 39 of the Iraqi Constitution states the following:

First: The freedom to form and join associations and political parties shall be guaranteed and regulated by law.

Second: It is not permissible to force any person to join any party, society or political entity or force him to continue his membership thereof.

138. There are no restrictions on the pursuit of these activities, with the exception of erroneous practices damaging to the interests of the child or the general interests of society and the State.

E. Protection of privacy (article 16)

139. National legislation and State public order protect members of society, young and old, from material or moral harm that may befall them or disturb the serenity of their lives as a result of deliberate actions punishable by law.

140. The Juvenile Welfare Act No. 76 (1983) guarantees the welfare of children and their protection from harm, even from their parents, for example in articles 29 and 30 of the Act.

141. Articles 17 and 40 of the Constitution address confidentiality and freedom of correspondence. Article 17 stipulates:

1. Every individual shall have the right to personal privacy as long as it is not incompatible with the rights of others and public morality;

2. The sanctity of homes shall be protected. Homes may not be entered, searched or violated, save by judicial order in accordance with the law.

142. Article 40 stipulates: *freedom of communication and correspondence – postal, telegraphic, electronic, and telephonic – shall be guaranteed and may not be monitored, wiretapped or disclosed except in case of legal and security necessity and by judicial order.*

143. Furthermore, article 23 stipulates:

1. Private property is protected. The owner shall have the right to benefit from, exploit and dispose of it within the limits of the law;

2. Expropriation of property is not permissible except for purposes of public use in return for just compensation, to be regulated by law;

3. (a) Every Iraqi shall have the right to own property anywhere in Iraq. No others may own immovable assets, except as exempted by law;

(b) Ownership of property for purposes of demographic change is prohibited.

F. Access to appropriate information (article 17)

144. The Ministry of Culture has an educational role to play with children, in addition to its job of fostering children's culture by means of the Children's Culture House, introducing them to aspects of life, building their intellectual capacities, highlighting their gifts and paying attention to educational, health and leisure aspects.

145. In this regard, the Ministry of Culture, through its radio and television network, produces programmes for children, overseen by pedagogues and specialists in childhood issues. The most important of these are:

1. Television programmes;

2. Radio programmes.

146. As already indicated, children's television and radio programmes are submitted to experts for appraisal and censorship in order to exclude programmes or scenes that may be detrimental to the interests of the child.

147. Iraq has concluded media, cultural and artistic agreements with Arab and international organizations for the exchange children's programmes that are consistent with guidelines designed to ensure proper upbringing and conduct of children in a manner conducive to their general well being.

148. At the end of 1969, the editorial board of the magazine, *Majallati*, was founded in the defunct Ministry of Information (now the Ministry of Culture) and the first issue was published on 24 December 1969. A year later, the first issue of the boys' paper, *al-Mizmar*, was published. Each issue had a monthly print run of 10,000.

149. In 1971, the editorial board published a series entitled, *Stories from Majallati and al-Mizmar*; each edition had a print run of 1,000 copies. The board continued to publish this material, with circulation rising markedly until 1979, when the editorial board became a general directorate entitled, "Children's Culture House".

150. The Children's Culture House seeks to widen and promote interest in children's culture, ensure enhanced awareness among children on sound, advanced pedagogical and scientific bases, release their abilities and channel their energies into creativity and inventiveness in order to develop generations capable of taking society forward towards progress and prosperity, given that children are the future.

151. The most important events and activities undertaken by the House in achievement of its goals are as follows:

- Publication of the magazine, *Majallati*, for children up to the age of 12;
- Publication of the boys' paper, *al-Mizmar*;
- Publication of the series, "Children's library", dealing with different aspects of learning for all age groups;
- Publication of posters, folders and cultural booklets with an educational purpose;
- Publication of books and magazines for the benefit of those interested in children's culture;
- Exhibitions of children's paintings and painting competitions;
- Holding children's book fairs;
- Holding local and international forums and conferences;
- Holding cultural festivals for children, focusing on literature and the arts;
- Training courses for children in painting, writing, sculpting, music, sport and computing;
- Producing plays and films for children;

- Taking part in international book and painting exhibitions and competitions for children;
- Literary and art competitions for writers and artists interested in children's culture;
- Collaborating with agencies and organizations concerned with children;
- Helping researchers to complete their research on children's culture.

Main events and activities undertaken by the Children's Culture House in 2008-2010

	Event	*2008*	*2009*	*2010*
1	Publication of *Majallati* magazine	8	6	11
2	Publication of boys' paper, *al-Mizmar*	7	8	12
3	Publication of "Children's library" series	10	12	12
4	Publication of "Children's culture" for those interested in the culture of the child	-	-	3
5	Organizing cultural celebrations	23	29	15
6	Exhibitions of children's paintings	12	21	18
7	Running courses for children	3	4	4
8	Putting on plays	11	13	20
9	Production of theatrical works	6	11	8
10	Children's painting competitions	3	3	5
11	Literary and arts competitions for those working with children's culture	4	5	5
12	Organizing forums and conferences	17	6	9
13	An exhibition of photographs	6	1	2
14	Miscellaneous activities	29	32	10
15	Participation in international painting competitions for children	-	3	5
16	Participation in a festive event organized by Government bodies and civil society organizations	10	13	11
17	Participation in children's book fairs	10	11	9
18	Prizes, medals and certificates won by the Children's Culture House	22	5	3

152. The child's right to recreation and free time provides a proper sphere for him to develop fully. In the broadest meaning of the word, culture is everything coming within the scope of this right and need. Thus, cheerfulness, fun, play and types of cultural activity, such as literature, science, music, theatre and painting, all fall under this heading and are affirmations of the cultural rights of the child in all their fullness.

153. The House's work essentially involves raising awareness of and fostering children's culture and developing their cognitive and intellectual faculties, in line with principles of respect and encouragement, and taking part in festivals, plays, events and competitions organized by the House itself and the Iraqi Children's Cultural Centre, as well as in other events, including:

- Celebrations of Universal Children's Day;
- Raising children's health awareness;
- Music;

- Mobile cinema;
- Contributing to school events.

154. The groups targeted for participation in these festivals and events are the deprived and those needing to be made aware of how to develop their capacities. There is a focus on the following groups: dropouts from school, orphans (in collaboration with the social welfare department), school students (in collaboration with general directorates of education) and children with special needs.

G. The right not to be subject to torture or other forms of cruel or degrading treatment or punishment, including physical torture (article 37 (a))

155. Article 381 of the Penal Code stipulates that any person who removes a newborn child from whomever has legal authority over such child or conceals it or substitutes it for another or falsely attributes it to another mother shall be punished by imprisonment. Article 422 stipulates that any person who, by himself or through the agency of another, abducts a juvenile under the age of 18 without force or deception shall be sentenced to imprisonment not exceeding 15 years if the victim is female or not exceeding 10 years if the victim is male. If abduction is carried out with force or deception or if there are aggravating circumstances stated in article 421, the penalty shall be imprisonment if the victim is female or imprisonment not exceeding 15 years if the victim is male. Furthermore, article 30 of the Juvenile Welfare Act stipulates that a guardian who induces a juvenile or youngster to become vagrant or delinquent shall be sentenced to imprisonment of not more than a year and a fine of not less than IQD 100.

H. Physical and psychological rehabilitation and social reintegration of child victims (article 39)

156. The Observation Home is a section within the Department of Juvenile Correction of the Ministry of Labour and Social Affairs designed for detention of juveniles by order of the courts or competent authorities. Within the institution, the investigation branch, personality study office and medical officer conduct social, physical and psychological examinations of juveniles and analyse their personalities and behaviour in preparation for trial. The juvenile is handed to the section's legal officer and then to the investigation branch for admission. After being examined by the medical officer to ensure physical and mental fitness, the juvenile is supplied with the special uniform of the institution. If he has been subject to torture at any stage of initial detention, he will be brought before the representative of the Department of Public Prosecutions in the institution to have his statement taken down and a judicial complaint submitted against his torturer. He will be monitored daily during his period of stay in the section, from the moment of admission until the case is looked into by the investigator. The institution provides a sufficient quantity of good quality, wholesome food to meet the needs of this group. It would be correct to say that the section provides psychological, social and health care for all juveniles resident within its walls.

157. During his term in the institution, the juvenile is integrated into the external environment (the community) by means of the following programmes:

- Confrontation therapy conducted for more than four hours per week;

- Telephone contact with the juvenile's relatives to inform them where he is being held and because keeping in contact relieves the pressure of detention;
- Cultural and guidance lectures take place regularly, conducted by a social worker in accordance with the procedure developed by the technical committee;
- Religious lectures conducted by three religious figures appointed by the Sunni and Shia endowment boards, with each sheikh giving eight lectures for a total of 24 each month;
- Severed family relations are rare and isolated given the strength of family ties in Iraqi society, which is a society based on tribal and religious values and governed by refined customs and traditions. For example, we recall only two or three cases where such a problem was encountered by the institution's investigation branch, personality study office or the probation section of the general department; juveniles were reunited with their families;
- Using or dealing narcotic pills: in this regard, the section maintains the strictest standards of cleanliness and no case has been recorded of either using or dealing narcotics (i.e. narcotic pills);
- Literacy programmes within the institution: the Observation Home has a literacy school with three teachers appointed by the Ministry of Education. Sixty juveniles are enrolled in the school and numbers are constantly increasing. Some 50 juveniles who have graduated from the school have benefited from release or a ruling in their favour;
- Health services are provided to juveniles around the clock. During morning shift, all medical staff are present. In the evening, there is a medical auxiliary on duty until morning to attend to the health of juveniles. The medical staff consist of the following.

	Profession	*Number*
1	General practitioner	3
2	General dental practitioner	3
3	Pharmacist	6
4	Medical auxiliary	12

158. The schedule below shows juveniles detained in Baghdad Observation Home by type of crime.

	Type of crime	*No. of juveniles*		*Type of crime*	*No. of juveniles*
1	Terrorism	85	10	Forgery (292)	2
2	Robbery (all types)	49	11	Explosives (342)	1
3	Homicide (406)	12	12	Assaulting an official (229)	2
4	Abduction (421)	8	13	Receiving (461)	1
5	Attempted murder (405)	5	14	Disturbing the peace (413)	2
6	Indecency (393)	3	15	Intimidation (430)	1
7	Misdemeanour (240)	4	16	Manslaughter (411)	2
8	298, 298[a]	1	17	Perverting the course of justice (248)	1
9	Traffic (23, 24)	2	18		

[a] Sic – *Translator.*

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159. The schedule below shows juveniles by geographical location.

			Number
1	Baghdad	Governorate capital	95
		Provinces and counties	68
2	Other governorates	Mosul	9
		Diyalah	5
		al-Anbar	2
		Karbala	1
3	Arabs	Egypt	1
	Total juveniles		**181**

V. Family environment and foster care

A. Family environment and parental guidance (article 5)

160. Article 29 of the Iraqi Constitution stipulates the following:

First:

(a) The family is the foundation of society; the State shall preserve the family and its religious, moral, and national values;

(b) The State shall guarantee the protection of motherhood, childhood and old age, shall care for children and youth, and provide them with appropriate conditions to develop their talents and abilities;

Second: Children have the right to upbringing, care and education from their parents. Parents have the right to respect and care from their children, especially in times of need, disability, and old age;

Third: Economic exploitation of children in all of its forms shall be prohibited and the State shall take the necessary measures for their protection;

Fourth: All forms of violence and abuse in the family, school, and society shall be prohibited.

161. The current laws give parents complete freedom to raise their children in the proper manner. The competent courts shall intervene in the event of negligent upbringing by one or both parents or the child's legal guardians.

162. Chapter III of the Social Welfare Act No. 126 (1980) stipulates that the Department of Social Welfare shall establish and manage State homes for the care of children, youngsters and juveniles suffering from family break-up due to the loss of one or both parents in order to provide them with a healthy environment, compensate them for the loss of family affection and prevent them from feeling inferior to others.

163. Act No. 5 (1986) and Ministry of Labour and Social Affairs Instructions No. 3 (1988) specify the rights of residents and duties of workers in State institutions as regards organization of working hours, payment of allowances and ensuring food, clothing and other necessities for residents in accordance with a special schedule annexed to the said instructions; the pocket money they receive is also determined.

B. Parental responsibilities (article 18, paragraphs 1 and 2)

164. Under Iraqi law, parents or legal guardians are responsible for ensuring the welfare and education of the child until the age of majority. In the event of dereliction by one of the parties, the court may look into the case to determine the seriousness of the situation and the authorities have the right to remove the child from their custody. The Juvenile Court may rule to replace the guardian or change, modify, or revoke a measure it had previously ordered if it is in the interests of society or of the youngster or juvenile concerned (article 37 of the Juvenile Welfare Act).

165. With regard to supervising the conduct of a juvenile who has committed a felony, article 87 of the Juvenile Welfare Act makes provision for the appointment of a probation officer as a remedial measure with the goal of placing the juvenile in his natural family environment – or with a foster family if the juvenile's family is unfit – under supervision of a probation officer for the purpose of reforming the juvenile.

166. Under article 90 of the Act, when placing a juvenile under the supervision of a probation officer, the court must observe the following:

1. The seriousness of the crime committed, the conduct of the juvenile, previous convictions social, health and psychological state;

2. The juvenile and his guardian must be given to understand that, if he breaches the terms and conditions of probation or intentionally commits another crime, the probation order will be revoked and he shall be sentenced to one of the measures stipulated in law for the crime itself;

3. The written agreement of the youth to the order placing him on probation is to be obtained.

167. The State plays an important role in helping parents or legal guardians raise a child properly. The court normally takes the child's interests into account when considering an application for separation by either of the parents and provides them with counselling. If necessary, the Juvenile Court also monitors the child's conduct and proper development within the family or in a juvenile welfare institutions.

168. The State directly supervises children's facilities, such as juvenile welfare institutions, orphanages and centres for the care of mothers, children and disabled persons, to which it allocates funds to ensure their operation. The State also endeavours to improve the performance of these facilities, consistent with modern standards. Facilities are open to all children in need thereof.

169. Social Welfare Act No. 126 (1980) ensures that assistance is provided to parents and legal guardians of destitute or low-income families to enable them to assume their responsibilities regarding the upbringing of children. Article 11 of the Act defines a destitute family as one which does not have sufficient income to live on. Article 10 defines a low-income family as one with a monthly income below the minimum wage of an unskilled labourer, if the family consists of five or more members; with an income less than 90 per cent of that wage, if it consists of four members; with an income less than 78 per cent thereof, if it consists of three members; with an income less than 66 per cent thereof, if it consists of two members; or with an income less than 33 per cent thereof, if it consists of one member.

170. For purposes of the Act, article 9 of the Social Welfare Act No. 126 (1980) defines the family as husband or wife or both and children (if any) or the children of

one partner. The place of residence of family members is immaterial. Upon the death of the husband in a case of a plurality of wives in a single family, each widow shall constitute an independent family unit.

C. Separation from parents (article 9)

171. Under Islamic Shariah law and the customs and traditions prevailing in Iraqi society, divorce or separation of spouses is regarded as abhorrent unless it is essential to protect the interests of a child or one of the spouses. There is nothing to prevent a judge from summoning parents, either together or accompanied by their children, to hear the statements of all parties before considering an application for separation or divorce.

172. Section IV of the Juvenile Welfare Act No. 76 (1983) addresses the subject of mistreatment and neglect of a child by the parents. Article 31 stipulates:

(a) The Juvenile Court may revoke the guardianship of a youngster or juvenile, if the guardian has been convicted of a crime in breach of public morality and decency or any of the offences referred to in the Prevention of Prostitution Act, of which the youngster or juvenile was a victim;

(b) In accordance with article 32 of the Act, the Juvenile Court may, on the basis of an application from a relative of the youngster or juvenile or from the Department of Public Prosecutions, rule to revoke the guardianship of the youngster or juvenile, for a period left to the discretion of the court, in the following cases:

1. If the guardian has been convicted of a crime in breach of public morality and decency;

2. If the guardian has been convicted of assaulting the youngster or juvenile by wounding, severely beating or deliberately harming him;

3. If the guardian has been convicted under the terms of article 30 of the Act, which prescribes a penalty of up to one year's imprisonment or a fine of not less than IQD 100 or more than IQD 500 for the guardian who drives a youngster or juvenile to vagrancy or delinquency;

4. If, having been convicted of a deliberate felony, the guardian is given a custodial sentence for a period of not less than three years.

173. Under article 34 of the Act, before deciding to revoke guardianship, the Juvenile Court must request the Office of Personality Study to conduct a social investigation and a medical and psychological examination of the youngster or juvenile to determine the extent to which he would be affected by the revocation of guardianship so that it can propose the most appropriate measure to be taken. After considering the report of the Office of Personality Study, the juvenile court shall decide on one of the following courses of action:

1. To hand over the youngster or juvenile to the custody of another guardian in the absence of a relative;

2. To place the youngster or juvenile in a State hostel or a social welfare institution established for such purpose.

174. Personal Status Act No. 88 (1959), as amended by Act No. 26 (1978), guarantees the right of a child separated from his or her parents to maintain ongoing relations with both parents on a regular basis and to see, on a regular basis, the father or mother from whom the child has been separated. An appropriate location must be provided to fulfil the child's desire to meet either parent and the psychological and material requirements must be met, wherever possible, to enable the meeting to take place.

175. The State Institutions Section of the Special Needs Welfare Department houses and cares for orphans and children from birth to 18 years who have lost parental care. The section has 23 homes, 4 in Baghdad and 19 in the governorates.

Care in State institutions

176. State homes care for infants, youngsters and juveniles suffering deprivation, family break-up or loss of one or both parents by providing a suitable environment to prepare them for the future and make up for the lack of family affection. State homes are divided into three categories on the basis of age group:

- State homes for infants: concerned with the welfare of orphans from birth to the age of five;
- State homes for youngsters: concerned with the welfare of orphans between the ages of 6 and 12;
- State homes for juveniles: concerned with the welfare of juveniles between the ages of 12 and 18.

State homes are separated into homes for boys and those for girls (except for infant homes, which are mixed). A home for boys is called *Dar al-baraim* ["house of buds"] and one for girls is called *Dar al-zuhour* ["house of blossoms"].

Conditions for admission to State homes

177. Those admitted to a State institution must have lost one or both parents due to death, handicap, arrest, detention, imprisonment, disappearance or loss of legal capacity and have no one responsible for their welfare, or suffer from domestic problems, be of unknown parentage, homeless or the subject of an order by a court or other competent administrative body for placement in an institution for a short or long period of time.

Services provided by State institutions

178. The task of the State homes is not limited to providing shelter for those who need it due to their social and economic situation. Shelter is the first link in a chain that consists of the following:

- Providing the family atmosphere missed by the child due to the loss of his natural family for one reason or another, striving diligently to give him a sense of confidence in belonging to his wider social environment represented by society as a whole and raising him to interact positively with his environment by making him feel the equal of others in respect of rights, duties and competence;
- Education: Children are enrolled in schools situated near the institution at all stages of education and enjoy an atmosphere of serious study, monitoring and

encouragement provided by the qualified male and female teachers on the staff of the institution, working in coordination with relevant schools to avoid the appearance of discrimination between children from the institution and their male and female classmates;

- Health services, delivered by health institutions situated near the institution, take the form of regular visits and vaccinations against infectious diseases; in addition, the institution's kitchens and food are subject to hygiene inspection;
- Social services: A staff of trained social workers in the institution is responsible for dealing with problems from which the children suffer prior to admission, as well as those that may develop subsequently. A file is opened on each child detailing behavioural development, academic achievement, ambitions and hobbies. Appropriate contact is made with relatives and regular visits between the child and his family are maintained.
- Leisure services take the form of appropriate means of relaxation and entertainment, including a television room, game rooms, chess and computing, as well as trips to public places, the cinema and Internet cafes.
- Probation services are provided by the Probation Section for children who leave the institution upon reaching legal age;
- Family reintegration services are designed to build and reinforce a positive relationship between the child and his family in order to, on the one hand, achieve a state of harmony, acceptance and coexistence and on the other hand, to strengthen the ability of the family to look after their child.

Family reintegration programme

179. The family reintegration programme run by the Special Needs Welfare Department of the Ministry of Labour and Social Affairs is designed to return the child to his family or a relative (guardian or authorized person) after ascertaining the wishes of the parties, preparing the child psychologically, mentally, socially and educationally, removing factors and circumstances that led to the child entering the institution and preparing a fertile and solid foundation on which to build a sound relationship between the child and his family. Children of unknown parentage are not covered by the reintegration process and not included in this programme.

Aim of the programme

180. The aim of the programme is to reunite the child with his family after addressing the situation, circumstances and reasons that were the cause of the child entering the institution.

Date of the programme becoming active

181. The programme became active in June 2005 on the basis of an agreement concluded between the Ministry of Labour and Social Affairs, represented by the Special Needs Welfare Department, and the regional director of the French organization, Children of the World – Human Rights (EMDH). The project was handed over to the State homes section of the Special Needs Welfare Department (Ministry of Labour and Social Affairs) by EMDH on 30 June 2009.

Project phases

182. The project had two phases, as follows:

1. EMDH phase, consisting of two phases:

(i) Phase 1: starting in June 2005 and ending in June 2006, in six homes (four for orphans and two for the homeless), with 66 children reintegrated;

(ii) Phase 2: the project was extended for a further six months and 23 children were reintegrated. Beginning 27 November 2007 and continuing to 30 June 2009, 116 children in Baghdad and the governorates (in homes covered by the programme) were reintegrated.

183. Post-handover phase:

- In the six-month period from 30 June 2009 to 1 January 2010, 14 children were reintegrated;
- From 1 January 2010 to 31 December 2010, 28 children were reintegrated, with no instances of failure worth mentioning;
- In the first three months of 2011, 43 children were reintegrated;
- There were 125 exploratory and diagnostic visits in this part of 2011.

184. There is no rehabilitation activity because the majority of those reintegrated are school students. Children not attending school who are to be reintegrated pass through a rehabilitation process at the institution, such as probation, enrolment in Ministry of Labour rehabilitation courses and the opportunity of a job for the child outside the institution.

185. Within the framework of the programme, the following are carried out:

- Visits to children's families to find out the general, scholastic and social situation of the child with his family, the extent to which he gets on with them and the extent of family care for the child following reintegration;
- Field visits to the child's school to find out the extent of his adjustment and continuity at school;
- Assistance for families covered by the social protection net, in line with constraints;
- Coordination with relevant bodies and other ministries to create suitable job opportunities for these boys and girls.

Probation and family reintegration programme of the Juvenile Correction Department of the Ministry of Labour and Social Affairs

186. This programme is designed to ensure that juveniles with three months remaining to release will integrate into society and not return to a life of delinquency, pursuant to article 100 of the Juvenile Welfare Act No. 76 (1983). Some 52 children were covered by the probation programme in the first three months of 2011, as follows:

- Youth and young men's rehabilitation school: 29 juveniles;
- Shaljiyah preadolescent rehabilitation school: 19 juveniles;
- Karadah juvenile rehabilitation school for girls: four juveniles.

187. If it is established that a child is bereft of family care, the Probation Section of the Juvenile Correction Department will contact Juvenile Court for a ruling to be issued placing him/her in either the Karadah or Adhamiyah juvenile rehabilitation institution, depending on gender, pursuant to article 104 of the Juvenile Welfare Act No. 76 (1983). Following placement, the family reintegration programme is followed in these institutions.

188. In the first three months of 2011, the number of cases of family reintegration, by type of institution, was as follows:

(a) Girls rehabilitation institution, Adhamiyah: 17 juvenile girls rehabilitated;

(b) Boys rehabilitation institution, Karadah: 25 juvenile boys rehabilitated.

189. The principle activities carried out by the family reintegration division attached to the Juvenile Correction Department's Probation Section for juveniles (of both sexes) in care homes are:

- The section follows up the issuance of civil identity cards for homeless juveniles in coordination with relevant authorities;
- Social workers make telephone calls to inquire about the family and obtain official documents for children;
- Social workers visit the court to obtain the final family reintegration ruling, in addition to a ruling placing the juvenile in a rehabilitation institution, once case papers have been forwarded to the juvenile magistrate by the investigating magistrate;
- Undertaking visits to schools, in the presence of parents or guardians, to find out about children's behaviour and academic level;
- Holding family meetings inside the institution to re-establish the family relationship, providing advice and guidance, reconciling the views of the juvenile and his/her family and resolving outstanding problems;
- Finding foster families for children bereft of family care and re-establishing the family bond for those who have suffered family break-up.

190. The main activities conducted by the Probation Section of the juvenile correction institution are:

- Correction sections are visited and a case study prepared on each juvenile covered by the probation programme with three months remaining before release;
- Juveniles are monitored and admitted to training courses to qualify them to work after release;
- Legal matters are pursued and official documents, if missing, are endorsed;
- Social workers undertake field visits to families of children, if any;
- Social workers in Baghdad and the governorates consult the court for ruling on the placement of those bereft of family care.

D. Family reunification (article 10)

191. Iraq is an Islamic country and its Constitution, as well as the legislation in force in its territory, is largely based on the Islamic Shariah, which calls for the establishment of healthy family relations based on family unity. The traditions, customs and humanitarian concepts prevailing in Iraqi society also emphasize this principle.

192. Iraqi law does not prevent a child from maintaining contact with both parents.

193. With regard to the right of the child and parents to enter and leave their Iraq, the Passports Act No. 55 (1959), as amended most recently by Ordinance No. 119 (1987), permits every Iraqi to travel and to be accompanied by his wife and children in accordance with article 44 of the new Constitution (2005), which stipulates:

First: Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq;

Second: No Iraqi may be exiled, displaced, or deprived from returning to the homeland.

E. Children deprived of a family environment (article 20)

194. As already indicated, the State has a responsibility towards children whenever their interests or development are threatened. When a child suffers harm, the competent court determines the type of healthy environment needed to facilitate the child's proper development and upbringing, even if this requires placement in a State institution or in the custody of a relative (article 26 of the Juvenile Welfare Act).

195. Under the terms of the Act, the Juvenile Court is empowered to place an infant who is orphaned or of unknown parentage in the custody of a couple who have submitted a joint application for that purpose. The court must first ascertain that the couple meet legal conditions, that they are capable of supporting and rearing the child and that they are well-intentioned. Article 39 of the Juvenile Welfare Act No. 76 (1983) stipulates that a couple may submit an application to the Juvenile Court to foster an infant who is orphaned or of unknown parentage. Before delivering its ruling, the Juvenile Court must establish that both applicants are Iraqi, of good conduct, of sound mind, free from contagious diseases and capable of supporting and raising the child, and that they are well-intentioned.

196. If a vagrant youngster or juvenile is mentally retarded, the Juvenile Court must order the child to be placed in a health or social institution established for that purpose (article 26, paragraph 4, of the Juvenile Welfare Act).

197. If a youngster or juvenile has no relative and if a person of good conduct and reputation and of the same nationality and religion as the child applies for custody with a view to ensuring the child's proper upbringing, education and good conduct under the terms of an appropriate financial undertaking, the Juvenile Court must monitor the said person's fulfilment of this undertaking through a probation officer or social worker for a period of time that it deems appropriate (article 27, paragraph 2, of the above-mentioned Act).

198. The State caters for the welfare of youngsters and juveniles suffering from family break-up, the loss of a parent or family problems (such as a parent or guardian's disability, arrest, detention, imprisonment or loss of legal capacity or the

fact that the child is of unknown parentage) by providing them with a healthy environment to compensate for the loss of family affection and prevent them from feeling inferior to others. In such cases, their needs in regard to accommodation, clothing, food and pocket money are met by the State in accordance with the provisions of chapter III of the said Social Welfare Act and the provisions of the State Hostels Ordinance No. 5 (1986).

199. Children benefiting from the services of juvenile welfare institutions, orphanages and centres for the disabled are enrolled by the State in schools and subject to educational, health and social supervision. In this way, the State has helped to prevent cases of vagrancy, family disintegration, delinquency and under-age employment, all of which have adverse effects on children.

200. Iraq is a Muslim country and the official religion of the State is Islam. Consequently, legislation in force does not permit the adoption system, which conflicts with the Shariah. Iraqi law applies the system of child fostering instead of adoption. The Juvenile Welfare Act No. 76 (1983) deals with fostering (the placement of a child in the care of foster parents) in the following manner:

(a) If they wish to foster a young orphan or child of unknown parentage, a married couple may submit a joint application to the Juvenile Court (article 39);

(b) The Juvenile Court is empowered to approve the application, on a provisional basis, for a trial period of six months. This may be extended for a further six months, during which time the court shall send a social worker to the home at least once a month to verify their desire to foster and care for the child. A detailed report in this connection shall be submitted to the Juvenile Court (article 40);

(c) Articles 41, 42 and 43 of the Act set forth the conditions for the fostering of children and protection of their interests. Under the terms of article 43, paragraph 2, of the Act, in the event of the death of one or both foster parents, the child must be bequeathed a legacy equivalent to the lowest share inherited by any other heir but not exceeding one third of the estate. This obligation must be honoured;

(d) Under Iraqi law, a child can be fostered only by an Iraqi couple (article 39 of the Act).

F. Adoption (article 21)

201. Iraqi law does not address the subject of adoption for reasons relating to principles of the Shariah. Section VII of the Juvenile Welfare Act No. 76 (1983) makes provision for fostering, with article 39 thereof stipulating that that a couple may submit a joint application to the Juvenile Court to foster an infant who is orphaned or of unknown parentage. Before delivering its ruling, the Juvenile Court must establish that both applicants are Iraqi, known to be of good conduct and sound mind, free from contagious diseases and capable of supporting and raising the child, and that they are well-intentioned.

202. Article 40 stipulates that he Juvenile Court is empowered to approve the application, on a provisional basis, for a trial period of six months, which may be extended for a further six months, during which the court shall send a social worker to the couple's home at least once a month to verify their desire to foster and care for the child. A detailed report in this connection shall be submitted to the court.

203. Article 41 stipulates that if one or both spouses change their wish to foster the child during the trial period or if it is evident to the Juvenile Court that the child's interests are not being served, it must overturn its ruling in favour of fostering and place the child in a social institution designed for that purpose.

204. Article 42 stipulates that if, after the end of the trial period, the Juvenile Court finds that the interests of the child will be served by the genuine wish of the couple to foster, it shall rule in favour of fostering.

205. Article 43 stipulates that fostering the child shall entail the following commitments on the part of the applicants:

1. To maintain a girl until she marries or enters employment and to maintain a boy until he reaches the stage where his peers are earning their living, unless he is a student or unable to earn a living due to physical defect or mental infirmity, in which case he shall continue to be maintained until the student obtains at least the preparatory certificate or reaches the age at which he is able to obtain it, or until the infirm becomes capable of earning;

2. To bequeath the child a legacy equivalent to the lowest share inherited by any other heir but not exceeding one third of the estate; this is an obligation which must be honoured.

Article 46 stipulates that the Juvenile Court must send a copy of its ruling on fostering or on recognition of parentage to the General Directorate of Nationality and Civil Status for entry in the records.

G. Physical and psychological rehabilitation and social reintegration (article 19)

207. The Juvenile Welfare Act No. 76 (1983) addresses all forms of harm that may befall a child and accords adequate protection until the child reaches the age of majority, as indicated in paragraph 18. The competent court shall have the right to revoke guardianship of a youngster, if the guardian is convicted of a crime in breach of decency and public morality (article 31 of the Act) or any offence stated in the Prevention of Prostitution Act of which the youngster or juvenile was a victim.

208. Pursuant to article 9 of the above-mentioned Act, juvenile welfare homes and rehabilitation schools are responsible for providing children with full care, under the supervision of the State. Furthermore, education and social programmes are included to reduce physical or moral damage done to the child and enable him or her to reintegrate into society in the future.

209. In addition to what has been stated about the establishment by the State of orphanages, centres for the handicapped and vagrants, cultural and arts centres, sports clubs and other institutions, the State has also established institutions to rehabilitate juvenile offenders convicted of committing crimes. The most important of these institutions are:

(a) An observation home designed for the detention of juveniles by order of the court or competent authorities. At the institution, the personality study office conducts a physical and psychological examination and behavioural study of juveniles in preparation for trial;

(b) A boys' rehabilitation school is designed for the placement of boys for a period determined by the court to enable them to readjust socially and provide them with the means to obtain vocational or academic qualifications;

(c) A girls' rehabilitation school is designed for the placement of girls for a period determined by the court to enable them to readjust socially and provide them with the means to obtain vocational or academic qualifications;

(d) A young adults school is a place in which offenders over the age of 18 are placed for vocational or academic rehabilitation and social readjustment;

(e) A juvenile rehabilitation home is where vagrant or delinquent juveniles are placed by order of the Juvenile Court until they reach the age of 18.

210. The State provides social, educational and health services to maintain the dignity of the child and enable him to resume his role in society.

VI. Basic health and social welfare (articles 6, 18 (paragraph 3), 23, 24, 26, 27 (paragraphs 1-3), 33)

A. Health and health services, especially primary health care (article 24)

211. Existing health and health service programmes (primary health care) include the following programmes for children: integrated health care for children below the age of five; breastfeeding; integrated measures to treat diarrheic diseases; integrated measures to treat respiratory diseases; basic care for newborn children; emergency care for newborn children; mother and child care; school health; psychological health; a non-communicable diseases section; a communicable diseases section; an adolescent and youth care programme; a nutrition programme for young children and infants; treatment of children with thalassemia; an expanded immunization programme; and a screening programme for newborn children.

B. Combating and protecting against communicable and non-communicable diseases and promoting children's physical and mental health and well-being

212. The Ministry of Health plans, supervises and monitors communicable disease control and seeks to eradicate such diseases by means of:

- Routine vaccination campaigns against:

  (a) Poliomyelitis (70.4 per cent);

  (b) Measles (64.2 per cent);

  (c) Tuberculosis (91.3 per cent);

  (d) Triple vaccine (63.5 per cent);

(*Source*: Multiple Indicator Cluster Survey 4 report, 2011).

- Updating the vaccination schedule by introducing a vaccine against the rotavirus, which particularly affects children under the age of five, causing

diarrhoea attacks that kill at least 500,000 worldwide each year; the rotavirus is responsible for at least 45 per cent of cases of diarrhoea among children. The ministry is also introducing a vaccine against haemophilus influenzae type B, which causes bacterial diseases such as meningitis, pharyngitis, pneumonia, polyarthritis and cellulites.

- Vaccinating against tuberculosis and viral hepatitis in the delivery room immediately after birth.

- Reviewing, updating and amending existing health legislation, particularly the International Code of Marketing of Breastmilk Substitutes.

- Health control, in the form of regular visits to shops and factories to monitor the health awareness of workers; providing ongoing health education courses and seminars and coordinating with relevant bodies to improve drinking water and environmental hygiene; testing food samples and destroying food unfit for consumption.

- Raising health awareness by means of the health promotion section, which organizes courses and forums for the public, as well as radio and television interviews.

- Monitoring implementation of the integrated child health-care strategy, with 360 centres now providing integrated health care for children, while continuing to foster child welfare activity with the goal of reducing child sickness and mortality.

- Expanding the application of the family medicine system in health centres to provide high quality and efficient services. The number of health centres applying the family medicine system reached 37 in 2010, compared with 17 primary health-care centres in 2009 and 6 in 2008.

- Improving health services in the marshlands and the countryside and bringing services to children in remote areas by means of mobile clinics and the healthy home project.

- Accurate monitoring to enable early detection and treatment of tuberculosis, covering all sectors and several primary health-care centres. Across Iraq, 9,668 acute cases were discovered, with a 86 per cent treatment success rate. The number of laboratories for diagnosing tuberculosis has risen from 20 to 76 and 27 tuberculosis coordination units have been constructed.

- Controlling diseases spread through the respiratory system, particularly avian influenza and swine influenza, and reducing sickness and mortality rates. There have been 2,328 cases of swine influenza and 42 deaths in Iraq, compared with 3,672 cases and 140 deaths in Iran.

- Adoption of modern diagnostic technologies; avian influenza (H0N1), swine influenza (H1N1) and seasonal influenza (H3N3) have been isolated.

- Monitoring primary psychiatric care and ensuring its integration with primary health-care services; fostering school psychiatric care and promoting school psychiatric and social service offices.

- Providing emergency services in all hospitals; there are 123 emergency units in health centres.

- Providing oral and dental hygiene services (preventive and treatment) in primary health-care centres, from the age of six months. Modern dental equipment for diagnosis and treatment is available and 800 new chairs have been provided. Staff attend training courses. A school dental health programme is in place. The most common dental ailments presented at health centres are dental caries, tooth decay, pulpitis and abscesses.
- Inclusion of 50 per cent of primary health-care centres in the scheme for the early detection of high blood pressure and diabetes.
- Establishment and development of emergency units in Government hospitals.
- Development of primary, secondary and tertiary health services, to arrive at high quality, integrated services for all children.
- Construction of 93 hospitals, with 21-bed capacity in Diyala, 120-bed capacity in Dhi Qar and 200-bed capacity in Wasit, and 95 hospitals in Kurdistan Region.
- Construction of 63, upgrade of 24 and expansion of 17 health centres in Baghdad and the governorates and construction of 14 primary health-care sectors, in addition to the creation of delivery rooms in remote areas, with staff trained in providing basic care for newborns.
- Creation of 61 healthy homes in 2010 across Iraq to support primary health-care services in areas with a population of less than 1,000.
- Opening 163 new primary health-care centres in 2010, making a total of 2,331, compared with 2,168 in 2009.
- Introduction of the rapid test for HIV/AIDS within the national strategy.
- Iraq is free from local malaria but monitoring for the disease continues.
- Bringing the spread of acute respiratory illnesses under control and preventing epidemics by strengthening disease and laboratory surveillance;
- Fostering sentinel sites for the rotavirus and introducing these as a feature to determine sickness rates of children below the age of five.
- Adoption of the accreditation system in certain Government institutions in the health sector by formulating benchmark criteria for all primary health care and hospital activities, programmes and services.
- Implementation of the rapid nutrition survey of families in arid areas (2010), covering 40 districts across the country suffering from nutrition problems.
- Implementation of vitamin D technology in blood for the first time in Iraq.
- Launch of a national project to bring mental disability under control.
- Bringing the epidemiological wave under control, while Iraq continues to be free from poliomyelitis for the tenth year in succession.
- Acquisition by the influenza laboratory of accreditation from the World Health Organization (WHO).
- Using available means of communication to receive the results of tests and reports on communicable diseases and give feedback to higher health bodies and health departments in the governorates.

- Publication of a booklet entitled, *Guide to the Treatment of Diseases Caused by Intestinal Parasites and of Bilharzia*.
- Creation of 11 dental units in three health departments, in addition to four dental implant units, four centres specializing in dental medicine, a denture manufacturing unit and an orthodontics unit.
- Creation of five specialist centres: an endocrine gland and diabetes centre at al-Mawam Hospital, a centre for the treatment of respiratory diseases in children in Baghdad, a centre for the rehabilitation of the handicapped and manufacture of prosthetic limbs; and a specialist psychological trauma centre attached to the General Teaching Hospital with 400-bed capacity, and more throughout the governorates.
- Creation of hearing and speech units in all health departments and of an immunity unit in the Central Children's Hospital.
- Preparing 17 evidence-based treatment protocols for adoption in Government institutions, including: kidney transplant, joints and rehabilitation, thalassemia, anaemia, ophthalmic medicine and surgery, nuclear medicine, diagnostic radiation, urologic surgery, digestive system, raising nursing awareness etc.
- Completion of 125 studies on medicinal plants, in collaboration with the Nutrition Technology Centre of the Ministry of Science and Technology, with a view to promoting and developing the use of herbal plants in medicine.
- Application of the bridging programme, whereby 450 previously inadequately qualified nurses were awarded intermediate nursing diplomas and 300 nurses below preparatory level were awarded preparatory nursing diplomas (skilled nurse).
- Implementation for the first time in Iraq of the electronic health programme developed at the Adala Health Centre in Najaf.
- Implementation of the health visitor system in Maysan.
- Completion of the health information system project in the Maysan marshlands.

213. Oral and dental hygiene services (preventive and treatment) provided in primary health-care centres and starting with children over the age of six months are important. Modern dental equipment for diagnosis and treatment is available and 800 new chairs have been provided. Staff attend training courses. A school dental health programme is in place to provide these services. This explains the rise in patient visits to approximately 6 million in 2010, compared with about 5 million in 2009 – an increase of 15 per cent.

Health promotion section activity

Type of activity	*2009*	*2010*	*Increase (%)*
Training courses	389	480	23
Seminars	84 health departments + 99 in Ministry of Health	126	50
		149	
Television interviews	48 health departments	56	12

214. School health services are delivered by primary health-care centres and each centre is responsible for all educational institutions within its geographical area. Schools are monitored and preventive and treatment services provided:

- 862,845 pupils underwent medical examination in 2011, an increase of 15 per cent over the previous year;
- 98 per cent of kindergarten pupils and 97 per cent of school pupils underwent an eye test in 2011;
- An environment check was made on 90 per cent of those in State homes in 2011.

215. To ensure quality services for premature and newborn babies, there has been an increase in the number of incubators, from 1,227 (2.2 for every 10 children's beds) in 2009 to 1,422 (2.5 for every 10 children's beds) in 2010.

216. To reduce sickness and mortality rates of children under the age of five, the Ministry of Health increased children's beds to 5,791 in 2010, from 5,703 in 2009, thereby increasing the number of beds for sick children for immediate treatment.

C. The right of adolescents to reproductive health and measures to encourage healthy lifestyles

217. Adolescents and young people need special care to reduce mortality and sickness now and in the future, obtain their rights to health care, especially reproductive health care, and ensure that this generation of adolescents will look after the health of their children. During this period of life, adolescents are prone to malnutrition, menstrual problems girls, psychological health problems, smoking, drug abuse and violence.

218. Health institutions address the problems adolescents face as they develop in a number of ways, including:

1. Treating illnesses that affect the health of adolescents;
2. Preventing health problems that may lead to chronic illness or debility;
3. Providing support and assistance to adolescents seeking health advice;
4. Intervention when adolescents require help;
5. Strengthening links with and making use of the system of referral to other institutions that may be able to offer medical advice not available elsewhere.

D. Female circumcision

219. The results of the 2012 MICS-4 survey conducted by the Central Statistical Organization (CSO) revealed the extent of female circumcision, with an estimated 12 per cent of women between 15 and 49 having been subjected to some form of mutilation or excision of the sexual organs. The proportion declines from 20 per cent of uneducated women to 9 per cent of women with an intermediate level of education or above. The practice appears to be most widespread in Kurdistan Region (44 per cent), compared with 1 per cent in central and southern Iraq. The Prevention of Domestic Violence Act in Kurdistan Region, Iraq No. 8 (2011) prohibits female circumcision.

220. It is not possible to elaborate in detail the phenomenon of female circumcision, as it is not found in central and southern Iraq. The phenomenon is rare among the communities that inhabit these regions.

221. In the past, the phenomenon was identified in the Kurdistan Region of Iraq, particularly in certain rural and remote areas, due to ignorance and lack of education about its dangers and adverse psychological and physical impact on a woman's life.

222. Education and increased awareness in the Kurdistan Region of Iraq through media, forums and workshops held to identify and highlight the phenomenon as something negative and out of place in civilized societies has contributed to reducing the frequency of occurrence.

223. The Government of the Kurdistan Region of Iraq has taken steps and legal measures to curb the phenomenon, which is considered a crime and treated pursuant to article 412 of the Penal Code, concerning wilful wounding, beating and assault. According to this article:

(a) Any person who wilfully assaults a person by wounding or beating him or with the use of force or harmful substances or by committing another unlawful act with intent to cause permanent disability shall be sentenced to a term of imprisonment not exceeding 15 years;

(b) The penalty will be a term of imprisonment not exceeding seven years or detention, if the offence results in unintended permanent disability.

224. The Parliament of the Kurdistan Region of Iraq recently ratified a bill to combat domestic violence, which includes prohibition of female circumcision. This is an important step towards eliminating the phenomenon.

225. After taking the above-mentioned deterrent measures – educational, intellectual, legislative and legal – rates of this phenomenon have declined considerably. The concerned bodies are moving forward with measures to eliminate the phenomenon entirely.

E. Early and forced marriage

226. The marriage of a female child is a violation of human rights, given its adverse effect on a girl's development, early pregnancy, social isolation and associated low educational level, obliging her to take up poorly paid work that embodies the gender nature of poverty. It is well known that women who marry at an early age are more likely to give up school, have more children and be more at risk of domestic violence and maternal mortality.

227. Currently, one young woman in five (19 per cent) between the ages of 15 and 19 is married; this figure does not vary between urban and rural areas (18 per cent and 19 per cent, respectively), however, it is affected by the level of education of the mother (26 per cent of women whose mothers are uneducated, compared with 10 per cent of women whose mothers have obtained the intermediate certificate or higher). It is affected less by standard of living (17 per cent of women from wealthy families, compared with 19 per cent from poor families, according to the wealth index).

228. Some 6 per cent of women aged between 15 and 49 were married before the age of 15, while 24 per cent of women aged between 20 and 49 were married before

the age of 18. Marriages of women in the 20-24 age group shows that the popularity of early marriage has declined with the passage of time. For example, 29 per cent of women aged between 45 and 49 were married before their 18th birthday, falling to 23 per cent of women aged between 20 and 24 (CSO, 2011).

F. Preventing drug abuse among children

229. Prevention is better than cure in the case of drug addiction and is effected by the following means:

1. Family solidarity, paying attention to male and female adolescents and urging them to perform religious duties;

2. Giving up bad company and associating with the righteous;

3. Complete removal from an environment of addiction;

4. Initially or after exposure to the temptations of drugs, adolescents may need medical and psychological treatment; treatment will depend upon the type of drug(s) to which the adolescent is addicted.

G. HIV/AIDS and the rights of the child

230. Efforts are being made to keep the low rate of HIV/AIDS infection in Iraq stable at 0.01 per cent by strengthening the disease surveillance system, minimizing complications and mortality resulting from infection with HIV/AIDS and sexually transmitted diseases and curbing transmission of the infection by regular testing of sexual partners and ensuring the reliability of donated blood.

H. Adolescent health and development

231. Disasters, wars and forced migration in all parts of Iraq have left everyone, particularly adolescents, with psychological trauma. Crime and drug-taking have spread among adolescents, who have become exposed to all sorts of exploitation. To raise awareness of such children, the Ministry of Health, in collaboration with international organizations, has organized educational courses on how to deal with trauma. Furthermore, the Ministry of Health has opened an addiction treatment centre in the Ibn Rushd Teaching Hospital and a psychiatric illness unit for children and adolescents has been established in the Central Children's Hospital. However, there are still complaints about shortages of specialist staff and financial allocations impeding delivery of the desired levels of service. Despite these problems, there has been no survey of the actual numbers of adolescents suffering from various types of trauma and there is no proper, clearly defined programme to help them in order to curb the spread of drug abuse and protect society from this scourge.

I. The rights of disabled children (article 23)

232. There are 13 rehabilitation centres for the handicapped, excluding Kurdistan Region:

- Two hospitals for the rehabilitation of those paralysed with spinal injuries;
- 14 factories and workshops making prosthetic limbs and crutches for crippled children, including Kurdistan Region;
- 171 children received wheelchairs in 2007 and 537 in 2008, excluding Kurdistan Region.

Health services include regular check-ups, together with the provision of all necessary treatment. All necessary analyses and tests are conducted.

233. It should be noted that the Ministry of Health strategy plan for 2009-2013 is based on the following:

- A health system founded upon primary health care as a mainstay, guaranteeing that, as far as possible, health services meet the needs of the individual and society, in line with international standards and, by means of efficient leadership, ensure the development and maintenance of high-quality health service provision at all levels (primary, secondary and tertiary) and the integration of public sector and private sector services;
- Strategic goals:
  - To reduce mortality rate among children under the age of five by 50 per cent from the 1990 level (in line with the Millennium Development Goals);
  - To ensure that citizens have proper, wholesome nutrition, either local or imported, in line with the specifications adopted in 2013;
  - To eradicate neonatal tetanus;
  - To bring communicable diseases under control by the beginning of 2013, in accordance with the level stipulated for the type of disease;
  - To bring hepatitis completely under control in 2013;
  - To reduce the rate of maternal mortality by 75 per cent from the 1990 level (in line with the Millennium Development Goals);
  - To reduce malnutrition-related diseases among children by 7 per cent by the beginning of 2013;
  - To eradicate administrative corruption in the health system by implementing integrity strategies;
  - To adopt an effective system of control to monitor application of the principles of professionalism, efficiency and impartiality in respect of technical procedures relating to the provision of therapeutic, prophylactic, diagnostic and emergency services and procedures relating to the procurement of medicines and medical supplies;
  - To develop the infrastructure, service level and environment of health institutions to arrive at high quality (hotel type) services by the beginning of 2013;
  - To widen the scope of psychological and physical rehabilitation programmes for the handicapped by 50 per cent by the beginning of 2013;

- To develop and increase the number of specialized health centres to cover the needs in governorates for surgical, diagnostic and preventive services, in accordance with global standards;
- To establish advanced health institutions across the country;
- To provide medicines and medical supplies by supporting the national pharmaceutical industry in the private sector and reinforcing its role in support of the public sector;
- To increase annual allocations in the national budget by 10 per cent and in the regional development budget by 15 per cent;
- To ensure sufficient staffing levels in all Ministry of Health institution at the start of 2013 to meet the ministry's future needs;
- To strengthen the system to combat and control trafficking of narcotic drugs and psychotropic substances.

VII. Education, recreation and cultural activities (articles 28, 29, 31)

A. The right to education, vocational training and guidance (article 28)

234. The Ministry of Education seeks to curb school dropout at the basic education level. Article 1 of the Compulsory Education Act No. 118 (1976) stipulates that primary education shall be free and compulsory for all children who have reached the age of 6 years at the beginning of the school year or by 31 December of that year.

235. The Directorate General of Public Education of the Ministry of Education, in coordination with relevant bodies, takes an active role in ensuring enforcement of the Compulsory Education Act. It forms committees in the headquarters of each governorate, as well as subcommittees in each administrative unit, chaired by the head of the administrative unit and with members consisting of municipal councillors, educational supervisors and members of educational bodies to identify persons covered by compulsory education and assign them to schools near where they live.

236. Working in coordination with the Ministry of Labour and Social Affairs, small workshops are monitored in order to stop children dropping out of school to work in such places, in implementation of article 15 of the Compulsory Education Act No. 118 (1976).

237. The Mayoralty of Baghdad has directed that children under the age of 15 are not to be employed, particularly during the school year, and that a primary school certificate or equivalent be the minimum requirement for employment, even if children and juveniles have to be employed because of the poor economic situation.

238. To stop pupils dropping out and ensure that they remain at school, the Ministry of Education implements schemes in collaboration with international organizations. These include:

- The accelerated learning project, supported by UNICEF, targets the 12-18 age group and covers those who did not enrol in school or who dropped out of

primary education after three years instead of completing six years; the project enables them to catch up with their peers. By the end of 2009, more than 31,000 students had enrolled. The project has been a success and numbers are expected to double in coming years. Special syllabi have been designed, with a comprehensive teacher's guide. These schools cover all of Iraq and student numbers rose to over 50,000 in school year 2010. All teachers at these schools have been trained in special courses in Iraq. Furthermore, 14 instructors have been trained in the use of ICT in accelerated learning for the purpose of computerizing courses. They have trained 100 teachers to be lead instructors in those governorates covered by the project.

- The Noor al-Maarif project for girls was implemented in collaboration with ISESCO, with the goal of teaching 1,000 female school dropouts between the ages of 10 and 18 the basic principles of reading, writing and life and vocational skills. The programme was launched on 15 October 2010. The first three months is devoted to reading and writing, the second to numeracy, the third to life skills and health and the fourth to vocational skills (handicrafts and sewing).

- Planning for the literacy project began in the early 1970s, following an increase in the number of illiterates. A campaign began in 1978, targeting those aged between 15 and 45, and achieved considerable success; by 1999, there were 1,303,844 illiterates. Following the end of the war in 2003, the need emerged for up-to-date statistics on the number of illiterates. Because of the situation at the time, it was impossible to carry out a comprehensive survey, so CSO estimated a figure of 3,843,682 illiterates. Recent estimates indicate that the illiteracy rate in 2009-2010 was 17-20 per cent or about one fifth of the Iraqi population. The Ministry of Education has expanded the opening of literacy centres, the number of which rose to 806 in school year 2009/2010, catering to 32,794 students.

- The teaching aid kits project for overcrowded schools was put into effect in 2008, in collaboration with UNICEF. The aim is to produce worksheets to support courses in schools that operate a double shift or in regions where the security situation prevents children from getting to school. The worksheets are distributed to all primary school classes.

- The Ministry of Education cares for the health of students by providing school meals, in collaboration with the World Food Programme (WFP). The school meals pilot programme was launched in academic year 2009/2010 in primary schools in eight districts in the three governorates of Wasit, Diyala and Nineveh and the Council of Ministers agreed to a national school meals programme relying on local produce to meet needs. The Iraqi Government partnered with WFP in the 2010-2011 programme, with the proviso that project funding in 2011/2012 would be entirely Iraqi.

- The Ministry of Education provides school health services in the form of treatment for pupils and teachers through health centres in Baghdad linked to the Directorate of School Health (Ministry of Health). In 1996, a standing committee (the committee for environmental and health education) was formed in the Ministry of Health with responsibility for the school environment and health. As a result of expansion in the committee's duties and to provide better services, the Directorate of Environmental Education and School Health was created in 2003 to replace the committee.

- The Ministry of Education has endeavoured to improve the quality of education by adopting a new English language curriculum employing the communicative method, introduced in al-Muthanna governorate in school year 2007/2008, in collaboration with Babel Global Educational Publishing Co. Following the success of the pilot, the scheme was extended to all governorates in 2008/2009. The fourth year primary and second year intermediate curricula were introduced in school year 2009/2010 and the third year intermediate and fifth year primary curricula will be adopted with effect from this school year (2010/2011) by all Iraqi schools, with the exception of Kurdistan Region.

B. Goals of education (article 29)

239. The new Ministry of Education Act No. 22 (2011) sets out the educational philosophy adopted, stipulating the following:

Article 2: The Ministry seeks to:

1. Raise a generation aware of and believing in God and religious, moral and national values, loving their homeland and committed to the unity of its territory and people, devoted to democratic values, freedom of opinion and expression, believing in education as a fundamental factor for social progress, proud of their Iraqi heritage and culture of national diversity, yet open to the cultures of the world;

2. Raise a generation that repudiates fanaticism and extremism, in line with the provisions of the Constitution;

3. Direct students towards a commitment to knowledge, learning and contemporary ways of thinking;

4. Develop students' creative capacities to ensure their character is well-rounded, physically, mentally, socially and spiritually;

5. Foster the role of education in life and productive work, maintain its independence and availability to all, improve its quality by making use of the best human resources and achieve sustainable development;

Article 9: Education in all State kindergartens, schools and institutions shall be free of charge.

Article 11: Primary education shall be public, standardized and compulsory for children who have reached the age of six years at the beginning of the school year or by 31 December of that year.

240. On 9 December 2012, the Government of Iraq launched a new education strategy with the goal of improving access to quality education for 33 million Iraqi citizens. This strategy focuses on providing free education to children and young people from early education to higher education, in addition to ensuring high quality education based on best international practice. The strategy further seeks to drive forward social harmony and integration, while combating social isolation within Iraqi society. The strategy calls for financial resources to be allocated to ensure equality in respect of access to educational, psychological and social support for marginalized individuals in Iraq.

241. The goals of the strategy include raising the enrolment rate at kindergarten and pre-school level from 7 per cent to 22 per cent by the beginning of 2012 and enrolment rates at primary level from 93 per cent to 98 per cent by the end of 2015.

242. The strategy also focuses on developing an advanced curriculum, qualified institutions and private resources in higher education.

243. The national strategy for education was formulated by a committee of experts and advisers from the ministries of education and higher education in Baghdad and Irbil, with international support and technical guidance from UNICEF, UNESCO and the World Bank. The strategy was developed through a series of local consultations and meetings since 2008.

244. The Ministry of Education is responsible for educational matters at kindergarten stage (ages 4-5) and basic education stage (ages 6-15). The Ministry of Education also supervises general and vocational preparatory education (ages 15-18).

245. To ensure the right of the child to education, the Iraqi Government has designated two relevant ministries, namely, the Ministry of Education and Ministry of Higher Education and Scientific Research. The Ministry of Education supervises the stages of education from kindergarten to secondary. The Compulsory Education Act No. 118 (1976) provides for education free of charge, including textbooks and social and sporting activities, at primary, intermediate, preparatory and vocational stages in official schools, including official kindergartens, institutes and universities, with students obliged to assume none of the costs arising from the requirements of study and school activities.

Future vision

246. The Ministry of Education aims to:

- Develop the primary stage, particularly as this stage is covered by the Compulsory Education Act, by increasing enrolment rates in primary schools. The number of pupils registered in primary education and number of primary schools and primary school teachers in academic years 2005/2006, 2006/2007 and 2007/2008 (excluding Kurdistan Region) are shown in the table below.

Year	*No. of pupils*	*No. of schools*	*No. of teachers*
2005/2006	3 941 190	11 828	234 139
2006/2007	4 150 940	12 141	236 968
2007/2008	4 333 154	12 507	237 130

- Secondary education: the intermediate stage is designed to enable young people who have completed the primary stage to achieve the requirements for continued physical, emotional, spiritual and social development at this stage, to discover their potential, inclinations and aptitudes, to provide them with the knowledge and learning appropriate to their ages, to enable them to acquire academic and vocational skills and direction and to raise them to believe in God and love the homeland. The situation of intermediate education, in terms of the number of registered pupils and the number of intermediate schools and intermediate school teachers in academic years 2005/2006, 2006/2007 and 2007/2008 (excluding Kurdistan Region), is shown in the table below.

Year	No. of pupils	No. of schools	No. of teachers
2005/2006	951 028	3 077	82 917
2006/2007	1 016 420	3 209	87 500
2007/2008	1 070 983	3 326	84 474

- Secondary education: the preparatory stage is designed to enable young people who have completed intermediate school and enrolled in preparatory education to continue to develop physical, emotional, spiritual and social aspects of their character, develop a knowledge of science and its application in life, keep abreast of scientific developments and acquire academic and professional skills and direction to enable them to move on to higher studies or productive vocational employment, in a manner consistent with the features of development at this stage, society's goals of national unity and participation in building human civilization. The situation of preparatory education, in terms of the number of registered pupils, number of schools and number of school teachers in academic years 2005/2006, 2006/2007 and 2007/2008 (excluding Kurdistan Region), is shown in the table below.

Year	No. of pupils	No. of schools	No. of teachers
2005/2006	228 016	835	28 563
2006/2007	247 639	919	28 584
2007/2008	259 743	1 026	28 960

Monitoring teaching quality

247. In collaboration with school administrations, the Ministry of Education implements teacher development and training programmes to build capacities. Approximately 35 per cent of Ministry of Education teachers have been trained by means of intensive training courses run by the Institute of Educational Training and Development both inside Iraq and overseas, with the assistance of international organizations. In 2005, there were 186 courses in which 1,963 trainees took part, while in 2006 there were 74 courses with 521 participants. In 2007, 349 trainees took part in 38 courses and in 2008, 812 trainees participated in 38 courses. From 2003/2004 to the end of 2008/2009, 1,200 trainees received training outside Iraq.

Vocational education

248. The Ministry of Education seeks to attract post-intermediate students to enrol in vocational schools to learn the skills and acquire the technical expertise to meet the future needs of the market.

249. The following table shows the number of registered pupils, number of schools and number of teachers in vocational education in academic years 2005/2006, 2006/2007 and 2007/2008 (excluding Kurdistan Region).

Year	No. of pupils	No. of schools	No. of teachers
2005/2006	66 317	277	10 776
2006/2007	58 707	276	11 023
2007/2008	63 069	288	11 161

250. It is essential to accord attention to the future vision for vocational education. Most developed countries attach importance to this type of education and yield on those enrolled in vocational education is expected to increase in coming years. Detailed statistics on the situation of vocational education are presented below.

C. Teaching human rights and civics

251. National textbooks at the primary and intermediate stage include new material, the most significant of which are principles of human rights and democracy, environmental conservation and the role of civil society organizations in political life.

252. An environment unit has also been created, responsible for disseminating environmental awareness among students. Environmental concepts have been included in the academic curriculum.

253. A special human rights section has been opened, with responsibility for incorporating principles of human rights in the curricula and spreading awareness thereof among students. A unit has been set up to ensure curriculum quality.

254. An educational satellite channel has been set up with support from UNESCO to broadcast lessons for all stages. Some 55 schools across Iraq have been equipped with chemistry, physics and biology laboratories with support from UNESCO.

Computer-based courses

255. The Ministry of Education, in the form of the General Directorate of Curricula, has implemented a project to introduce ICT into education. The project is a collaboration with UNESCO, which has been responsible for training the key Iraqi team, and the Economic and Social Commission for Western Asia (ESCWA), responsible for providing the furnishings and organizing the necessary equipment.

256. The project targets students from primary through preparatory stage. It has converted 20 computer-based classes into television lectures broadcast on the Iraqi educational satellite channel. In addition, more than 60 computer-based lessons in physics, chemistry, mathematics and biology have been produced for the last three intermediate grades and the sixth academic grade, in addition to new textbooks.

257. In 2010, the Arabic and English language units and geography unit were included in the project.

258. The Ministry of Education has reorganized curricula to stress critical thinking and problem-solving skills and 99 general education textbooks have been written. Other textbooks written include:

- 29 accelerated learning textbooks for three levels, with standard teacher's guide;
- 26 textbook for those with special needs;
- 7 literacy textbooks;
- 5 adolescent school textbooks;
- 11 Ministry of Interior textbooks (police college);
- 8 textbooks for teacher training institutes (five mathematics textbooks, two on computing and one on teaching methods for fourth grade);

- 9 manuals;
- 15 manuals.

D. Rest, play, recreation, leisure and cultural and artistic activities (article 31)

259. The Ministry of Youth and Sport seeks to develop aptitudes and skills of all Iraqi young people, without discrimination on grounds of sex, race, language, religion or social origin. It strives to promote participation in social, cultural and political life by raising their capacities for self-expression and fostering the ability to identify problems and issues, participate in running youth facilities and represent Iraqi youth at domestic, regional and international gatherings and events. It further strives to develop the capacities of young people to qualify them in the areas of human rights and democracy, enhance their decision-making ability and ensure their active participation socially, culturally, politically and economically.

260. Secondary goals include:

- To deepen young people's awareness of the nature of parliamentary business and practice in such a way as to ensure that they understand the inputs to the political and legislative process and its outputs.
- To develop young people's communicative skills, introducing them to the means of exposition and persuasion and tools for dealing with the media and increasing their capacity to help shape public opinion.
- To foster the ability of young people to express themselves and address problems.
- To refine the character of young people of both sexes, socially, spiritually and artistically.
- To increase the capability and competence of young people to manage youth facilities.

261. There is a further, general goal, that consists in defending, supporting and monitoring implementation of the civil rights of young people in government youth development programmes. These involve several general departments and a number of youth and sport directorates in Baghdad and the governorates. Departments with an interest in the affairs of young people and adolescents under the age of 18 include the following:

- Department of Physical Education: with the Department of Coordination and Follow-up, this department supervises a large number of youth and sports clubs across the country. It organizes sports events and competitions in all individual and group sports for adolescents, young people and adults of both sexes.
- Department of Youth Culture and Arts: this department supervises a large number of art and culture clubs. Its goal is to develop the cultural and artistic sensibilities of young people by holding development courses in all areas of culture and the arts, supporting art ensembles and providing them with the requirements for staging events.
- Department of Scientific Care: this department supervises a number of science clubs, nurturing talent and academic originality, holding development courses

in various fields and making available the necessary laboratories, workshops and halls to help young people develop their capabilities. Furthermore, it organizes scientific competitions and contests between science clubs.

In addition to the aforementioned directorates, the directorates of youth and sports in Baghdad and the governorates, including Karkh, Rusafa, Sadr City, Babil, Karbala, Najaf, Diwaniya, al-Muthanna, Dhi Qar, Basra, Maysan, Wasit, Diyala, Kirkuk, Rumadi, Mosul and Salah al-Din, each supervise several youth and sports clubs, science clubs and art and culture clubs located within their geographical patch. The clubs are the backbone of the work of the Ministry of Youth and Sport and its main points of contact, given that they are the bodies that have the most contact with young people and are responsible for holding all sporting, scientific and cultural activities. These clubs bring together under one roof everything relating to their particular sphere, as follows:

- Youth and sports clubs: these cover sports grounds and courts, body-building gymnasiums, swimming pools and everything concerned with building and developing the physical capabilities of young people.
- Science clubs: these cover computer and internet rooms, laboratories and workshops for experiments and discoveries and workshops for carpentry, metal-working and turnery.
- Art and culture clubs: these cover halls for holding painting, calligraphy and pottery activities and theatres for staging events.

262. Despite efforts of the Ministry of Youth and Sport to establish many such clubs, their number is still below the desired level and not commensurate with the large proportion that children and young people represent in Iraq society. The number of these clubs is as follows:

- Youth and sports clubs: 171;
- Science clubs: 17;
- Art and culture clubs: 2.

263. Many of these clubs are still in the process of being built and many continue to be occupied by families, whom the Ministry of Youth and Sport is seeking to remove in order to refit the buildings. Furthermore, there is an ambitious plan on the part of the Ministry to set up 4,000 youth and sport projects, apportioned between sports clubs, cultural clubs, swimming pools that are closed and open to the public and various types of sports grounds with closed rooms.

264. In the event that the Ministry implements this ambitious plan to establish such sports and youth facilities, these facilities, organizations and clubs would represent major, outstanding resources that will attract groups of young people to develop their capabilities in a proper manner and spend their free time in clubs run by staff who have been scientifically trained in how to deal with young people, turn them into regular patrons of these clubs and distance them from corrupting elements seeking to embroil them in immoral activities.

Academic fast-track programme

265. Educational philosophy emphasizes the importance of according care to exceptional individuals in order to develop leaders of the future. The academic fast-

track programme for exceptional students provides an environment that meets the needs of this group. It is an educational renewal project that began in academic year 1989/1990. It aims to fast-track pupils and students at primary and secondary levels to the year ahead of their chronological group, if the pupil or student shows a high level of ability, in advance of his peers, to comprehend the curriculum. The idea is to discover capable students and select outstanding ones among them in order to pave the way for those fifth year primary, second year intermediate and fifth year academic students wishing to fast-track, as follows:

- The final general average mark of fifth year primary pupils shall not be less than 97 per cent;
- The average continuous assessment mark of second year intermediate students shall not be less than 97 per cent;
- The continuous assessment mark of the student wishing to fast-track from fifth year academic to university shall not be less than 95 per cent in each subject.

Note: Fast-tracking was frozen in academic year 2004/2004 and limited to only fifth year academic in 2004-2005.

Gifted children programme

266. The Ministry of Education is keen to identify gifted children at an early age and sponsor them in a specially designed course of study that admits gifted children from first or second year primary level who are exempt from the age condition because they are blessed with intellectual capacities beyond their chronological age. The Welfare of Gifted Persons Act (2001) provides for the founding of a school, to be called "school for the gifted", linked to the Minister of Education and situated in Baghdad, although the minister has the power to endow one school in each governorate, when the number of students is sufficient. The school has the following goals:

- To build and develop all aspects of the student's character.
- To develop the student's scientific and research gifts by means of a special curriculum.
- To encourage the student to generate ideas.

Learning at the school is in two consecutive stages:

(a) A six-year primary education stage, commencing at grade one and continuing until the end of grade six;

(b) A six-year secondary education stage, consisting of two levels: intermediate (thee years) and preparatory (three years); success in the latter means completion of the secondary stage.

267. Within the context of the attention accorded to gifted children, a national committee for children has been formed, in coordination with the Ministry of Human Rights and other relevant ministries. Among its duties, the committee focuses on identifying children with artistic, literary and intellectual talent to enable them to participate in international gatherings. Some 350 creative children have been identified and are being prepared to take part in international and local festivals of childhood, in accordance with their creative abilities.

E. Rights of the child in early childhood

268. Nursery schools attached to the Ministry of Labour and Social Affairs accept children from birth up to four years of age. Nurseries seek to provide the appropriate conditions and environment to bring up children in a way that ensures their proper, natural development, protects them from psychological and social deviance and shapes their behaviour and habits. Working mothers are able to carry on working with peace of mind. There are 53 nurseries attached to the Ministry of Labour, 157 attached to ministries of State, 167 private nurseries and 3 belonging to civil society organizations, making a total of 380, of which 202 are in Baghdad Governorate. All of these nurseries operate in accordance with Ministry of Labour and Social Affairs guidelines and instruction (*Source*: CSO, Ministry of Planning).

269. The following programmes are provided by nursery schools:

1. *Language programme*

270. The language programme is designed for nursery school children two to four years of age. Linguistic development receives particular attention, care and encouragement and the programme identifies suitable areas in which to provide the child with linguistic resources and situations in which to use them. This increases the child's ability to talk, use clear expressions and make simple, correct sentences in speech. The language programme is among the most important in the nursery school as it is the basis not only for interaction but also for other activities that build the foundations of knowledge and enable the child to delve deeper in the future.

2. *Cognitive development programme*

271. This programme is offered twice weekly and gives direct, practical, concrete experience of people, the earth, and animals, as well as information about electricity, light, the moon and the four seasons. Simplified concepts are represented in the following ways:

(a) Games to help understand place: inside/outside/above/below;

(b) Games to help understand size: small/big;

(c) Games to help understand shape: circle/square/rectangle;

(d) Games to help understand movement: stopping/sitting/walking/running;

(e) Games to help understand weight: a small set of scales with weights;

(f) Games to help interact with time and the system of hours and days;

(g) Games to help in organizing and classifying things.

3. *Health programme*

272. A link is established between nursery school and the health system by coordinating with the nearest health centre. A team consisting of a physician and health official is appointed for this purpose. The team's job is:

(a) To supervise all sections of the nursery school with regard to health and nutrition;

(b) To examine children regularly, monitor their growth and development and check sight, hearing and speech;

(c) To ensure that all nursery schools are included in Ministry of Health vaccination campaigns.

273. Kindergartens are full-time care institutions that care for children between the ages of four and five and provide services children need to help them grow up properly and develop the physical and mental aspects of their personalities. As these are the years that prepare a child to enter primary school, kindergarten represents a foundation for the child's proper upbringing. Details on what has been done for kindergarten children are indicated below:

- 1,027 boxes of storybooks and textbooks received from UNICEF, containing many educational concepts suitable for kindergarten children, were distributed to all governorates in the course of July 2008;
- Education packs containing 29 educational items, games, stationery and art items were received from UNICEF as part of the early childhood development project. Children become engrossed in these items and this helps relieve tensions they feel in the current emergency. One or more packs have been distributed to each kindergarten in Iraq. Courses have been held to train kindergarten teachers how to use the contents of the packs with the children. The packs help disturbed children, particularly those who have lost parents to murder and terrorism, achieve psychological balance;
- An assessment card has been designed for kindergarten children to measure various aspects of their growth and identify problems or difficulties the children may have at the kindergarten. The card will provide parents with candid information about their children and give a clear indication of a child's development; the card is currently being printed;
- A songbook has been prepared for kindergarten children, containing dozens of songs arranged by subject (science, sports, society, religious instruction, heritage, entertainment); the book is currently being printed.

274. A study has been carried out on ways of learning at kindergarten to affect the child's development. The study reviews methods of teaching children: exposition, dialogue and discussion, learning by discovery, problem-based learning, songs, computing, trips and field visits, games and stories). The study has been sent to the Institute of Educational Development and Training for advice on courses to make nursery school teachers, directors and supervisors aware of these teaching methods and how more than one can be used to convey an educational topic to children.

275. In order to develop and implement strategies, programmes and projects that provide an appropriate environment to stimulate and promote early learning, the Ministry of Education and UNICEF have worked in coordination to create the National Centre for Early Childhood Development. The Centre serves children between the ages of one and eight years and has set up a children's theatre and children's library. The Centre holds entertainment, educational and artistic events for children and provides training for kindergarten teaching staff and nursery care staff. Educational research and studies on childhood have been conducted and in the future a section will be opened for the treatment of psychologically traumatized children to relieve the effects of trauma. Achievements of the Centre include:

- Participation in training workshops on childhood, including a workshop on conflict in early childhood in Beirut (2007) and a workshop and conference, entitled "Children first" at the Rashid Hotel (2009), at which the types of abuse to which children are exposed at home and school and by their peers, teachers and society at large were discussed;

- Preparation and publication of educational articles on childhood, the most recent of which are *Children in the Shadow of Conflict and Armed Violence* and the *Abuse of Children*. These have been circulated for kindergarten teachers to study to mitigate the harm and abuse to which children are exposed by providing them with a safe environment;

- With the goal of broadening the admissions base of 4-5 year-olds, the Directorate General of Education was contacted about the number of new kindergartens built in school year 2008/2009. It emerges that in one governorate, 32 new kindergartens were built in order to absorb a greater number of children from this age group;

- The participation of kindergarten children in singing, theatrical and group events that give concrete form to human rights and the right of the child to life, education and an environment free from danger.

276. A national kindergarten committee has been formed to prepare curricula and manuals for kindergarten pupils and teachers.

277. The National Committee for Early Childhood Development was formed with a membership of specialists in the field of childhood and the task of overseeing the early childhood development project and establishing the National Centre for Early Childhood Development. As part of the project, a number of courses for kindergarten teachers have been held and educational packs, storybooks and children's books distributed.

Future plans and programmes

278. Future plans and programmes include the following:

- Increasing the number of kindergarten buildings and endeavouring to extend kindergartens into deprived and remote districts and areas to increase levels of enrolment;

- Increasing the number of qualified teachers in kindergartens by prioritizing the appointment of graduates specializing in kindergarten teaching and filling vacancies from the surplus of pedagogically qualified primary school teachers; increasing the number of kindergarten pedagogical supervisors in order to monitor the curriculum and the problems faced by kindergartens;

- Creating a special expenditure item in the budget of general directorates of education to include an allocation for kindergartens to meet their needs for furniture, games and other requirements;

- Completing the upgrade of the National Centre for Early Childhood Development in al-Hamra palace kindergarten building to serve children, nursery caretakers and kindergarten teachers;

- Seeking to reinstitute school meals for kindergarten children;

- Seeking to provide vehicles to transport children from home to kindergarten and back.

F. Teaching the disabled

279. Pursuant to the principles of the Declaration of the Rights of the Child, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities and in accordance with education legislation and the Iraqi Constitution, there were 3,000 children with special education needs (slow learners, visually impaired, hearing impaired and those with speech and communication difficulties) in basic education in the years 1998-2000. For school year 2009/2010, the following statistics were recorded:

- Number of pupils: 9,703;
- Number of special units in primary schools: 1,073;
- Number of teaching staff (male and female): 1,312;
- Number of schools with special education classes: 899.

280. Among the programmes, activities, events and development projects for children with special needs is the complementary stage project for grades five and six (academic and vocational education). The academic and vocational curricula have been prepared, project instructions have been formulated and a national strategy for educational integration and inclusive education (within ordinary primary school grades one to six) has been designed. This is designed to change the traditional school into a welcoming, all-embracing and inclusive institution that believes in not discriminating between children of whatever social group and in respecting the human rights of children with special needs.

281. Instructions and guidelines for implementing the national strategy for educational integration and inclusive education at governorate level and for extending the strategy to cover 30 per cent of schools in all governorates have been formulated.

282. A number of hearing-impaired children have received cochlear implants and have been placed in special education classes attached to primary schools to enable them to overcome speech and communication difficulties.

283. As part of the educational integration and inclusive education project, care has been accorded to physically handicapped children by formulating specific instructions for welfare at school of those suffering from lower and upper limb disability but who enjoy normal mental faculties, providing them with a safe environment upon entering and leaving school. In coordination with the Ministry of Health, they are provided with medical assistance.

284. Here we might shed light on the special education rights situation in school year 2009/2010 at governorate level. Some 899 schools had special education classes and 9,703 pupils were enrolled in special education.

VIII. Special protection measures (articles 22, 30, 32-36, 37 (paragraphs (b)-(d)), 38-40))

A. Refugee children (article 22)

Child asylum seekers

285. The Government of Iraq lacks detailed data on the substance of this paragraph. Iraqi asylum seekers are spread across a number of neighbouring States and further afield and it is difficult for Iraqi embassies and representative agencies in those countries to determine exact numbers.

286. As regards the assistance provided by the Iraqi Government to Iraqi refugees in Lebanon, Syria and Jordan, Council of Ministers decree No. 209 (26 May 2010) required the transfer of IQD 5.9 billion to Iraqi banks in the above-mentioned Arab countries for distribution to displaced families there by the Ministry of Migration and Displacement, in coordination with the Ministry of Foreign Affairs and special committees. Funds are distributed in the proper manner by the said banks on the basis of lists provided by UNHCR.

287. Returning families are covered by a grant of up to IQD 4 million and issued ration cards. Children are admitted to schools and universities and employees given their jobs back, in accordance with guidelines in force. This has a positive effect on the children of returning families.

Displaced children

288. The country experienced a wave of widespread displacement following sectarian violence and forced migration. According to the Ministry of Human Rights in the *Universal Periodic Review (2010)*, there were1,204,400 internally displaced persons in the period from 2004 to 2007. In 2007, the Ministry of Migration and Displacement announced that the figure was 163,574 families with 999,772 members (*Source: National Report on the Status of Human Development, 2008*). The same source indicated that, according to UNHCR data, there were 1.7 million internally displaced persons, in addition to 2.2 million migrants, mostly in neighbouring countries. According to data from the International Medical Corps, there were 91,013 displaced families, consisting of 546,078 persons as at December 2007, including Kurdistan Region (but excluding Sulaymaniyah). In 2008, there were an estimated 1 million Iraqi refugees in Jordan and 1.5 million in Syria. According to the *Situation Analysis of Children and Women in Iraq*, prepared by UNICEF in August 2007, there were 1.7 million internally displaced persons at the end of 2006. Displacement has not been limited to one particular sect rather than others but has included large numbers of families from religious minorities.

Accommodation

289. As regards camps populated by families living in tents, there are only two in Baghdad and 12 in the governorates; numbers of tents range from 100 to 145. There are no camps in the governorates of Diyala, Kirkuk, Babil, al-Muthanna and Salah al-Din. According to International Organization for Migration (IOM) statistics, 22 per cent of displaced persons in al-Qadisiyah Governorate, 11 per cent of those in Baghdad and 30 per cent of those in al-Anbar are living in abandoned or damaged

public buildings. Children are living with their families at the lowest level of human existence in places unfit for human habitation, where overcrowding (defined as more than three persons to a room) is 88 per cent. The problem is particularly serious among families who lived in the city centre and are now forced to live in one room with relatives or to rent part of a house (a room with toilet facilities). Some have built shacks in outlying areas. In the countryside, families have built mud and reed huts to live in. In many parts of poorer governorates and those ravaged by conflict, schools have become shelters for the displaced. At the same time, however, the displaced put a strain on the services of the host communities.

290. A study has shown that 72 per cent of children displaced with their families in Nasiriyah work on the streets in menial jobs, such as street cleaners and porters, that are inappropriate to their ages and give the children a feeling of inferiority. Some work for more than seven hours a day to earn between IQD 3,000 and IQD 5,000.

Food security

291. Displacement complicates the process of obtaining ration card items and 70 per cent of displaced families in al-Anbar, Najaf, Baghdad and Dhi Qar have no access to these. More than a third of displaced persons in Babil, Barsa and Kirkuk have no access. Some 18 per cent of displaced families have been successful in transferring their quotas to their new locations but family members have lost their source of livelihood.

Health security

292. The health security of displaced families is affected by several factors, chiefly that the new accommodation environment (tents, abandoned buildings) does not meet minimum health requirements in terms of clean water, sewage disposal etc. and lacks qualified medical professionals, health centres and medicines. According to a health-care survey conducted by IOM, a high proportion of displaced persons are unable to access the treatment they need in certain governorates where there are no military operations: 15 per cent in Salah al-Din, 19 per cent in Karabala, 29 per cent in Maysan, 43 per cent in al-Anbar, 52 per cent in Dayala, 59 per cent in al-Muthanna, 61 per cent in Babil, 73 per cent in Kirkuk and 96 per cent in Wasit. The deteriorating situation has led to the emergence of communicable diseases, such as measles, whooping cough and tuberculosis. The IOM survey also shows that most health centres have insufficient medicines and do not provide proper care for women and children.

293. A study of the health status of 100 male and female children from 411 out of 4,879 families displaced from conflict areas and settled in Nasiriyah shows that 4.9 per cent suffer from acute malnutrition, 3.9 per cent suffer from chronic malnutrition and 11 per cent suffer from general malnutrition; disease is widespread (*Source: National Report on the Status of Human Development, 2008*).

Education

294. The rights of children have been greatly affected and there are many pressures on displaced families. For many of the sons and daughters of these families, going to school is not a priority in their current situation or because they are unable to obtain and show the necessary documentation or believe that their displacement is temporary, particularly in the case of those living in camps for the displaced or

squatting on State land. By way of example, the sole camp in Najaf Governorate is situated about 30 kilometres from the city of Kufa and there are no schools in the surrounding area. Given the pressures of the grim economic situation of displaced families, parents are sometimes obliged to stop their children from going to school and they may be forced into the labour market. These circumstances particularly affect girls, making them prisoners in the home or camp. In the study mentioned in paragraph 293, above, 58 per cent out of a total sample of 1,243 children were girls and 42 per cent boys. The children were aged from one to six years and 61 per cent were of school age. Of these, 27 per cent were continuing to attend school in 2005/2006, while 73 per cent had been obliged to leave, although most wanted to return.

295. The issue is more complicated regarding Iraqi child refugees abroad. In Syria, according to a UNHCR report published on 8 January 2007, 30 per cent of Iraqi children in Syria are not enrolled in school, which is a figure far in excess of the number of school dropouts in Iraq (*Source: National Report on the Status of Human Development, 2008*).

296. Many measures have been taken by the Government for internally displaced families. These include provision of instalment grants by the Ministry of Migration and Displacement, in addition to Ministry of Health campaigns to raise health awareness and provide treatment and preventive services to displaced persons camps in the governorates. The Ministry of Municipalities and Public Works has carried out maintenance work on water tanks and connected these camps to the water network and the Ministry of Labour and Social Affairs has formed a team to look into the possibility of providing aid to these families.

B. Children in armed conflict (article 32)

297. The Government of Iraq has submitted the Optional Protocol on the Involvement of Children in Armed Conflict.

298. Section 6 of Coalition Provision Authority order 22 (2003), on conditions of enlistment, states that the minimum age for enlistment in the new Iraqi army is 18 years and that service in the new Iraqi army will be voluntary. This includes the suspension of conscription in the Iraqi army, which has not been in force since 9 April 2003.

299. The minimum age for voluntary enlistment shall accord with article 30 of the Service and Military Retirement Act No. 3 (2010), with the proviso that admission into voluntary military service be based on the voluntary service contract and the following terms:

- That the age of the volunteer shall be not less than 18 years and not more than 25 years. As such, no person under the age of 18 shall be admitted to military school as a volunteer.

300. It has been noted that article 13, paragraph 2 (z), of the Iraqi High Criminal Court Act No. 10 (2005) stipulates that recruiting or enlisting children under the age of 15 years into the national armed forces or using them to participate actively in hostilities is a war crime.

301. Paragraph 4 (g) of the same article states that recruiting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities is a war crime and punishable under the said law. However, the

law applies to crimes occurring between 17 July 1968 and 1 May 2003; it does not apply to acts occurring after this date.

302. Nevertheless, the Iraqi legal system does not punish or criminalize the conscription of children in armed conflicts. However, there are efforts to formulate a legal code on children's rights, of which this subject will be one of the most important items.

303. Despite the fact that State institutions and research centres lack accurate information on direct child involvement in combat activity, it is possible to say that the years following the American occupation of Iraq in 2003 witnessed an escalation in the formation of armed groups that sought to achieve their aims by recruiting numbers of children and making them participate in armed operations and activities, starting with political recruitment and ending with suicide operations. This was due to poor law enforcement in areas that witnessed an increase in military operations . In his report to the Security Council of 26 March 2009, the Secretary-General referred to the greatly diminished capacities of al-Qaeda in Iraq. However, information suggesting that children were being trained to become fighters was uncovered in the course of a raid by the American army on a hide-out in the region of Khan Bani Saad, north of Baghdad, in February 2008 and United Nations partners have documented 472 cases of children being recruited and used by several armed groups.

304. According to statistics published by the Juvenile Correction Department in time for this report in 2013, there were 316 juveniles in reform institutions on terrorism charges. There are no reports of children in the ranks of the Iraqi army. The same source indicates that 126 children were convicted of terrorism offences in the first half of 2010.

305. For a number of reasons, Iraqi institutions and civil society organizations lack the expertise to formulate a system of training and rehabilitation for children who have been recruited and used in combat operations.

306. In Kurdistan Region, under article 8, paragraph 2, of the Peshmarga Service and Recruitment Act (the regional guard), children are forbidden from joining the armed forces and taking part in conflict. Children are likewise forbidden from joining the internal security forces.

C. Children in situations of exploitation

Abuse of narcotic substances

307. Regarding the illicit use and trafficking by children of narcotic drugs and psychotropic substances (article 33), the official position of the Government of Iraq was, is and shall remain consistent with the international approach and committed to international charters on preventing and suppressing the trafficking, growing or manufacture of narcotic substances, drugs and psychotropic agents in contravention of the current Iraqi Narcotics Act No. 68 (1965) and other Iraqi laws promulgated after ratification of Iraq's accession to the Single Convention on Narcotic Drugs (1961), the Convention on Psychotropic Substances (1971) and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted by the Council of Arab Ministers of Foreign Affairs in early 1994.

308. With widespread popular and media support, the Iraqi Government was obliged to take a prompt and determined stance against increased smuggling of narcotics and psychotropic substances into the country from abroad and suppress several criminal gangs involved in trafficking these substances among certain sections of society. Indeed, that the scale of the problem is increasing is strongly suggested by the observations of experts from the United Nations Office on Drugs and Crime (UNODC) in September 2003 during their visit to assess the situation in Baghdad and the governorates and the views of specialists in Iraq, as well as media reports, health statistics and security statistics. This increase is attributable to a number of causes, of which the most significant are:

- Poor control of border windows with neighbouring States, particularly those which have problems with the trafficking, smuggling and transit of narcotic substances and with controlling the illicit trafficking of narcotics;
- The lack of a stable security situation and weak law enforcement against narcotics offenders;
- Inadequate collection of accurate statistical information, due to technical and practical difficulties, to enable proper understanding of the scale of the problem;
- Insufficient expertise in health, security, judicial and media aspects on the part of those working in the field of monitoring, handling and combating narcotics.

309. In this context, the Iraqi Government has carried out the following:

- Formed a national commission to combat narcotics and the abuse of psychotropic substances under the chairmanship of the Minister of Health and including representatives from relevant ministries (health, interior, justice, education, higher education and scientific research, human rights, labour and social affairs), religious bodies and the Mayoralty of Baghdad to address the problem. The commission set up a comprehensive national forum to study the current situation in the country regarding the spread of the use of narcotics and to formulate a comprehensive national strategy to address the problem from the health, security, judicial, educational and planning aspects.
- Set up a national programme to combat narcotics and the abuse of psychotropic substances in the Ministry of Health and formulated an action plan for 2005, in collaboration with WHO, taking into consideration (a) the development of human potential, (b) health and media education as an effective means of protecting and fortifying members of society against the danger of addiction, (c) the system of information collection, by a proper assessment of the problem and conducting field studies and surveys of target groups and (d) the improvement of medical services for addicts. This programme is responsible for coordination and follow-up with Government agencies and civil society organizations in Iraq in order to implement the national strategy and achieve its goals. It is also responsible for maintaining links and developing forms of collaboration in counter-narcotics with international bodies such as the United Nations Commission on Narcotic Drugs, WHO and the Permanent Anti-Narcotics Bureau of the League of Arab States, attached to the Arab Interior Ministers Council.
- The national programme to combat narcotics has made use of modern technology to collect, analyse and consolidate data on accurate statistical

bases, creating an information bank on the scale of the problem in Iraq, with detailed documentation of data.

- Built a 60-bed national centre for the treatment and rehabilitation of addicts, both male and female, as part of the Ministry of Health's 2005 plan, formulated in accordance with guidelines that take into account the recommendations of international and Arab conferences and premised upon treating them as patients who need medical treatment rather than as criminals who deserve to be punished or imprisoned.

- Stepped up control over the sale of narcotic medicines and psychotropic substances by pharmacies, forbidding their sale without a proper prescription from a doctor, in accordance with legal guidelines issued by the Ministry of Health.

- Information exchange with health agencies and security agencies in the Ministry of Interior and Ministry of Justice to control the unlawful entry of foreigners into Iraq and their residence in the country and to prevent persons who, according to records of the International Criminal Police Organization (Interpol) or the Permanent Anti-Narcotics Bureau of the League of Arab States, have been convicted of narcotics offences from entering or staying in Iraq.

- The Ministry of Agriculture, in coordination with other concerned bodies, prevents attempts to cultivate narcotics in Iraq as alien and dangerous to Iraqi society.

- The relevant health, customs and security departments are committed to implementing Decree No. 204 (24 September 2002), which is still in force, requiring every Iraqi, Arab and foreign who enters Iraq to present at an HIV/AIDS test centre in Baghdad or the governorates to be tested to ensure that he is not infected with the disease. Exemption is provided in the case of an Arab or foreigner who produces an official health certificate confirming that he is free from the said disease, attested by an Iraqi representative office abroad.

- Iraq is committed to cooperate at Arab and international level in the exchange of information on the smuggling of narcotics and psychotropic substances and is keen to provide Interpol and the Permanent Anti-Narcotics Bureau of the League of Arab States with information on seizures, to hunt down persons wanted by Iraq in various countries on narcotics charges and to facilitate procedures for handing over criminals, in accordance with the agreements concluded with several States in this regard.

- Urged prison departments and social welfare centres to monitor and control addiction by fostering the roles of social workers, psychiatric workers and religious counsellors in these departments.

- Called upon the courts to expedite rulings in cases relating to using or dealing in narcotics, to apply the law on narcotics and to expedite the punishment of perpetrators in order to take them off the streets as a deterrent to others.

- Counted and recorded accurately crimes and sentences relating to narcotics in order to understand the scale and dimensions of the problem and how to treat it.

- Begun creating anti-narcotics security bureaux across all governorates in Iraq, which started by seizing quantities of narcotic substances passing across Iraq's eastern border. We hope to increase the efficiency of these bureaux.

310. The first annual report (2010) of the Office of the National Adviser for Psychological Health/National Drug Control Programme on drug use among children in Iraq (excluding Kurdistan Region), indicated the following:

- Persons under the age of 17 years who presented at the outpatient clinics of hospitals and health centres in the governorates and who use psychotropic drugs made up 9 per cent of all outpatients and inpatients using narcotics and psychotropic substances in 2012. Males represented 6.5 per cent and females, 2.5 per cent.
- Inpatients under the age of 17 years in hospitals in the governorates who use psychotropic drugs made up 2.7 per cent of all outpatients and inpatients using narcotics and psychotropic substances in 2010. Males represented 2 per cent and females, 0.7 per cent.
- Persons under the age of 17 years who presented at outpatient clinics of hospitals and health centres in the governorates and who consume alcohol made up 3.1 per cent of all outpatients and inpatients using narcotics and psychotropic substances in 2010. Males represented 3 per cent and females, 0.1 per cent.
- Inpatients under the age of 17 years in hospitals in governorates who consume alcohol made up 2.7 per cent of all outpatients and inpatients using narcotics and psychotropic substances in 2010. Males represented 2.7 per cent and females, 0 per cent.

Sexual assault

311. From early on, the Iraqi legislature has been concerned with protecting children from sexual abuse, assault and exploitation, given its duty to protect all sections and sectors of society. Accordingly, Iraq has striven to create legislation that protects children from all forms of violence and abuse, increasing the severity of punishment for physical – and particularly sexual – abuse.

312. Section 6 of the Penal Code (amended) No. 111 (1969) deals with shameful acts that violate decency in articles 400 to 404, relating to the imposition of penalties on any person who commits an indecent act without consent, as follows:

> Article 400: Any person who commits an indecent act with a man or woman without his or her consent shall be sentenced to a term of imprisonment of not more than one year plus a fine of not more than IQD 100 or by one of these penalties.
>
> Article 401: Any person who commits an indecent act in public shall be sentenced to a term of imprisonment of not more than six months plus a fine of not more than IQD 50 or by one of these penalties.
>
> Article 402: The following shall be sentenced to a term of imprisonment of not more than three months plus a fine of not more than IQD 30 or by one of these penalties:
>
> - Any person who makes indecent advances to another man or woman;

- Any person who assails a woman in a public place in an indecent manner with words, actions or signs;
- The penalty shall be a term of imprisonment of not more than six months plus a fine of not more than IQD 100 if the offender, having been previously convicted for such an offence re-offends within a year of conviction.

Article 403:

- Any person who produces, imports, publishes, possesses, obtains, transports with intent to exploit or distributes a book, printed or other written material, drawings, photographs, symbols or other things that violate public morality or decency shall be sentenced to a term of imprisonment of not more than two years plus a fine of not less than IQD 200 or by one of these penalties.
- The same penalty shall apply to any person who advertises such material or displays it in public or sells, hires or offers it for sale or rent even if not in public, and to any person who distributes or submits it for distribution by any means. An offence committed with intent to deprave shall be considered as aggravating circumstances.

Article 404: Any person who, by himself or by means of mechanical device, sings or broadcasts in a public place obscene or indecent songs or statements shall be sentenced to a term of imprisonment of not more than one year or a fine of not more than IQD 100.

313. Article 3 of the Anti-Prostitution Act No. 8 (1988) stipulates that a prison sentence of not more than seven years shall be imposed on:

- A pimp, his associate or person assisting him in the act of procuring.
- A user or manager of a public place or any other place open to the public in which there are persons engaged in prostitution for the purpose of exploiting them to attract custom.
- Whoever owns or rents a house, rooms or hotel in which he allows others to practise, facilitate or assist in the act of prostitution.

314. In implementation of the spirit and letter of the Convention, the General Directorate of Nationality (Ministry of Interior) has, in its letter No. 3299 (10 June 2009), circulated the need for passports to be checked carefully, particularly the passports of persons travelling with minor children to ascertain the probity of their legal situation and establish that they are related, for fear of the exploitation of children by weak-minded individuals. All data are to be entered in the computer database, particularly those of minor children travelling with guardians.

315. Iraqi laws and regulations, including the Penal Code No. 111 (1969), Juvenile Welfare Act No. 76 (1983) and Anti-Prostitution Act No. 8 (1988), apply in Kurdistan Region where the Government is making efforts to prevent the spread of this phenomena. This is reflected in the small number of crimes of child sexual exploitation, with statistics indicating that numbers are limited and almost negligible.

316. In the light of these statistics, it can be said that such crimes do not represent a phenomenon in Kurdistan Region.

IX. Conclusion

317. In conclusion, the Republic of Iraq affirms its commitment to strengthening and protecting the rights of the child and that it will work to cooperate with UNHCR to exchange information and build capacities to further the human rights situation in Iraq, in particular the rights of the child. Furthermore, the Government of Iraq is making progress in implementing the plan drawn up to provide greater guarantees with respect to human rights issues and looks forward to collaborating with all interested partners to achieve the desired goals.